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New Zealand

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I. Introduction

1. New Zealand has a proud tradition of protecting and promoting human rights at home and overseas. We recognise that human rights are vital for the development of diverse, inclusive and democratic societies. We welcome the opportunity presented by the Universal Periodic Review (UPR) to take stock of our progress and discuss New Zealand's human rights achievements, challenges and opportunities.

2. New Zealand's second UPR resulted in 155 recommendations, 121 of which the Government accepted. Government agencies worked together to identify the actions necessary to support implementation of the accepted recommendations and improve human rights in New Zealand. The *National Plan of Action for the Protection and Promotion of Human Rights, Mahere Rautāki a Motu*,[1] monitors progress in achieving the accepted recommendations. The Plan is an interactive online tool developed by the New Zealand Human Rights Commission, our national human rights institution. It enables the public to identify and monitor Government actions relating to each recommendation. It is updated regularly and has recently been revised to incorporate treaty body recommendations and the Sustainable Development Goals.

II. Report preparation

3. This report provides a snapshot of New Zealand's human rights performance between January 2014 and September 2018, referenced against recommendations from our second UPR. Future planned Government action to address ongoing challenges is also included. For those topics that did not feature in our last UPR, there is a section on new and emerging issues.

4. Tokelau is a dependent territory of New Zealand. It is standard practice to include Tokelau in New Zealand's reports. This UPR report includes an annex on the human rights treaties that apply to Tokelau. New Zealand has specific constitutional relationships with the Cook Islands and Niue, as well as Tokelau, as part of the Realm of New Zealand. Recognising these relationships, the governments of the Cook Islands, Niue and Tokelau were invited to review the draft report.

5. The New Zealand Government, in cooperation with the New Zealand Human Rights Commission, held public consultations in eight locations across the country to seek views on the human rights issues that are important to New Zealand communities. These consultations were attended by representatives of non-governmental organisations, community groups, academics, *iwi* (tribes), and interested individuals. For the first time, Government officials visited secondary schools across New Zealand and sought the views of over 250 students on human rights issues of particular relevance to young people.

6. The issues raised during the consultations were wide-ranging. Themes which emerged strongly are noted throughout this report. The Government acknowledges and is committed to continuing engagement on the concerns raised.

III. New Zealand's human rights framework

Domestic human rights infrastucture and institutions[2]

7. New Zealand's constitution is located in a range of legal and extra-legal sources, including legislative documents, the common law, the principles of the Treaty of Waitangi, constitutional convention, the law and custom of Parliament and customary international law.[3] The Human Rights Act 1993, the New Zealand Bill of Rights Act 1990 and the Privacy Act 1993 are the three main laws that specifically promote and protect human rights.

8. The Human Rights Act is intended to ensure that everyone is treated fairly and equally. It lists where discrimination is unlawful, and prohibits sexual and racial harassment

and the incitement of racial disharmony. It sets out the role of the New Zealand Human Rights Commission and the Human Rights Review Tribunal.

9. The Bill of Rights Act sets out obligations arising from the International Covenant on Civil and Political Rights. All new legislation introduced into Parliament must be examined for consistency with the rights and freedoms in the Bill of Rights Act.

10. The Privacy Act promotes and protects individual privacy and sets out the functions of the Privacy Commissioner. It sets out principles for the collection, use, disclosure and storage of personal information by agencies, and for access by individuals to their personal information.

11. The Government is committed to maintaining ongoing partnerships with Māori, the indigenous people of New Zealand, including at *iwi* (tribe), *hapū* (sub-tribe) and *whānau* (family) levels. Māori rights and interests are recognised and provided for in various pieces of legislation. Whether or not there is an express statutory reference, the Treaty of Waitangi and its principles must be considered, and priority given at an early stage of any proposed Government action to ensuring that Māori interests are identified and that appropriate engagement with the relevant communities is undertaken.

Developments[4]

12. There are several examples of developments relating to New Zealand's human rights infrastruture and institutions.

13. Since joining the Open Government Partnership in 2013, New Zealand has submitted two National Action Plans. The first Plan addressed recommendations from an assessment of New Zealand's national integrity system undertaken by Transparency International. This review found New Zealand's integrity system to be fundamentally strong and rated it highly against transparency and good governance indicators. The second Plan comprised commitments relating to open budget processes, official information practices, open data, public engagement, access to legislation, and improving policy development.

14. In 2016, Parliament amended the Human Rights Act to change the structure and functions of the Human Rights Commission. The changes give the Commission greater flexibility to respond to emerging human rights issues by enabling the Chief Commissioner to create new portfolios for Commissioners. The amendment revised the Commission's functions to reflect activities it already undertakes, including a mandate to promote compliance with international human rights obligations.

15. In 2016, New Zealand undertook an independent review of intelligence and security.[5] This review focused on the legislative framework governing the intelligence and security agencies. The majority of the recommendations were implemented via the Intelligence and Security Act 2017, which includes specific provisions that emphasise the requirements for intelligence and security agencies to comply with human rights standards.

16. In 2017, 18 Government agencies formed an International Human Rights Governance Group to lead cross-government work related to New Zealand's international human rights monitoring and reporting and improve accountability for meeting human rights targets.

17. The Government intends to propose legislation enabling senior courts to declare laws inconsistent with the Bill of Rights Act. Declarations of inconsistency will inform Parliament that the courts consider an Act is inconsistent with fundamental rights. Parliament could respond by affirming, amending or repealing the law in question. The Government is carrying out work to determine how this legislative power could operate effectively.

18. In 2018, the Government introduced the Privacy Bill to update the Privacy Act to modernise its language, provide enhanced legal certainty and strengthen privacy protections.

International human rights framework[6]

19. New Zealand is committed to implementing our international human rights obligations domestically. We have a long-standing practice of accepting international obligations only after reviewing and amending the relevant legislation, policy and practice to ensure compliance. The Government considers whether legislative and other changes mean that New Zealand can ratify further human rights instruments, withdraw reservations and accede to communications procedures. We welcome recommendations by treaty bodies and the New Zealand Human Rights Commission in this regard.

20. New Zealand has ratified seven core human rights treaties, and is considering acceding to the International Convention for the Protection of all Persons from Enforced Disappearance.[7] In October 2016, we acceded to the Optional Protocol to the Convention on the Rights of Persons with Disabilities. The implications of ratifying the Optional Protocol to the Convention of the Rights of the Child on a communications procedure is under consideration by the Government.

21. New Zealand is committed to upholding the rights affirmed by the Declaration on the Rights of Indigenous Peoples and to engaging further with the aspirations that it sets forth. The Treaty of Waitangi is of fundamental importance in our laws, constitutional arrangements and the work of successive governments. New Zealand is committed to the common objectives of the Treaty of Waitangi and the Declaration, alongside our existing legal and constitutional frameworks. The Government has implemented a range of initiatives to enhance the Government-Māori relationship in line with the principles of the Treaty of Waitangi and the objectives of the Declaration. Recent examples include *Te Ture mō Te Reo Māori Act 2016, Te Awa Tupua (Whanganui River Claims Settlement) Act 2017,* and *Te Urewera Act 2014*. The Government is considering an approach to working with Māori to develop options for a national plan of action, strategy or other measure on the Declaration, given our unique domestic circumstances. The views and participation of Māori will be integral to these decisions.

22. New Zealand has a standing open invitation to all United Nations Special Procedures mandate holders, which will continue. We support the work of the Office of the High Commissioner for Human Rights, including through the provision of non-earmarked financial contributions. New Zealand has also increased its multi-year budget allocation for Official Development Assistance (ODA).[8] In 2015 the ODA budget was increased by $228 million for the three year period to June 2018. In 2018, the Government approved a further increase of NZ$714 million across a four year period to June 2022. This is based on projections that would see New Zealand maintain its allocation to ODA at 0.28% of gross national income.

IV. Implementation of recommendations

A. Civil and political rights

Safety and personal security[9]

23. Violence, and particularly family and sexual violence, remains a major human rights challenge in New Zealand. Around 12% of New Zealanders – over half a million people – are directly affected by family violence each year.

24. Violence disproportionately affects some parts of New Zealand society. Māori are disproportionately represented as people who are harmed and who cause harm. Women are 7–10 times more likely to be seriously injured by partner violence than men, and women also experience more repeat incidents of interpersonal violence by family members.

25. New Zealand has unacceptable rates of family and sexual violence. The Government is focused on the wellbeing of children and families (*whānau*), so reducing family violence and sexual violence is essential.

26. The Government's UPR consultations identified violence against women, sexual harassment and child abuse as issues of concern. Violence against men and boys was also raised, including concerns that this type of violence goes unreported.

27. The Government acknowledges that recent responses to family and sexual violence have been inadequate, and has committed to making improvements for victims, perpetrators and their families. The Government is creating a dedicated agency tasked with building a cohesive, whole-of-government response to family violence and sexual violence. The foundations are in place for significant improvements.

28. Much of New Zealand's family and sexual violence prevalence data comes from a national crime survey, which was last undertaken in 2014. Family violence has been prioritised for in-depth exploration in the 2018 survey to assist with targeting improvements.

New law and policies

29. The Government is building on the foundations for a systemic approach to family violence and sexual violence. These foundations, and progress towards successful implementation, will include the passage of new laws and policies, a national strategy for the prevention of family violence and sexual violence, an investment strategy for family violence and sexual violence services, dedicated Government roles, and improved data.

30. A 'Family and Whānau Violence Legislation Bill' is expected to become law in 2018. The Bill will introduce new offences, support new ways for collecting evidence, enable judges to refer people to broader services and make changes to Protection Orders, Police Safety Orders and other mechanisms to improve safety. The Bill will also criminalise coerced marriage or civil union. New resources will help victims of sexual violence understand the justice process.

Response services

31. In 2016, the Government committed funding to pilot a new Integrated Safety Response model for an enhanced response to family violence episodes and high-risk prison releases. Features include specialist services for victims and perpetrators, daily risk assessment, family safety plans, and an electronic case management system. To date, NZ$26.4 million has been allocated and in the last funding round, over half this funding went to Māori providers.

32. Since 2015, the National Collective of Independent Women's Refuges has delivered '*Whānau Protect*', New Zealand's nationwide home safety service. '*Whānau Protect*' supports victims of family violence who experience repeat victimisations, are at high risk of serious assault or death, and are leaving an abusive relationship. Practical safety improvements are made to houses by providing security alarms, replacing glass-panelled doors with solid doors, repairing broken windows, cutting back vegetation, installing security lights and replacing locks. Evaluations showed that 87% of clients felt less fearful and 82% said the offender made no further attempt to re-enter the house.

33. A new sexual harm phone and web-based helpline, 'Safe to Talk', was launched in 2018 in Canterbury and is scheduled for roll-out nationwide. A new elder abuse response service was established in 2017, including a free confidential helpline where nurses or social workers can provide advice to victims, their families and carers.

34. Since 2016, the Accident Compensation Commission (ACC), the Government entity responsible for administering New Zealand's universal no-fault accidental injury scheme, has partnered with Gandhi Nivas and New Zealand Police to deliver early intervention services to perpetrators of family violence and their families. Gandhi Nivas supports men to change their behaviour, reducing the likelihood of further harm and increasing safety for families.

Kaupapa Māori initiatives (i.e.: indigenous initiatives)

35. '*E Tū Whānau*' is a long-standing national *whānau* (family) violence prevention programme. It is a Māori response, supported by Government, to unacceptably high levels

of violence within *whānau* (families). It utilises a strengths-based approach to increase protective factors (such as cultural identity, social capital, family stability and community cohesion) and decrease risk factors for family violence.

36. Changing the attitudes, behaviours and norms that enable and sustain violence is a priority for *'E Tū Whānau'*. Key messages are disseminated via radio, community events, social media, community wananga (educational forums) and targeted resources. Surveys commissioned between 2014–2017 have found that *'E Tū Whānau'* resources have a positive impact on changing beliefs, attitudes and behaviour. Over time, and with a strengthened measurement framework, *'E Tū Whānau'* is expected to see a reduction in family violence amongst its participating communities.

Pacific initiatives

37. ACC has partnered with Le Va (a Pasifika[10] organisation) who will work with Pacific communities to establish a national injury prevention action plan. This plan will establish a Pasifika Spearhead service focused on prevention of family violence, sexual violence and suicidal behavior for young people. It will equip young people and their families to help prevent violence by providing evidence-informed education, training, resources and tools, tailored to meet the needs of Pacific communities.

Arms trade

38. New Zealand was a leading proponent of the Arms Trade Treaty (ATT). The Treaty entered into force for New Zealand in 2014.[11] The Brokering (Weapons and Related Items) Controls Act 2018 introduced more comprehensive controls in this area. The brokering regime has extraterritorial application and also covers dual-use goods under certain circumstances. New Zealand has undertaken initiatives to support universalisation and implementation of the ATT, including the production of model implementing legislation and a model "export control list" for the Pacific. In 2018, New Zealand hosted the Pacific Conference on Conventional Weapons Treaties to promote uptake and implementation of the ATT in the Pacific region.

Equality and non-discrimination in the criminal justice system[12]

39. Māori constitute around 15% of New Zealand's population, but have made up approximately half of New Zealand's prison population for several decades. Pacific males are significantly over-represented in the prison population. Conversely, Māori are under-represented in New Zealand's Police (11%) and judiciary (10%). Efforts are underway to address these issues and ensure that our criminal justice system is free from discrimination.

40. Concerns with New Zealand's justice system and the treatment of prisoners were raised during UPR consultations. The Family Court system was described by some participants as slow, difficult to navigate, and on occasion as biased against men and people with mental health issues. Concern was also raised about 17 year olds being dealt with in adult courts rather than the youth justice system, the high number of incarcerated Māori, and bias in the criminal justice system.

Youth justice

41. New Zealand continues to prioritise efforts to improve youth justice outcomes, particularly for young Māori. Government agencies recently developed a dataset, which indicates that the youth justice system is performing well against key measures. Positive findings include a decline in the offending rate for children (10–13 years) and young people (14–16 years) by 59% and 63% respectively between 2009–2010 and 2016–2017. The rate of Youth Court appearances also decreased by 38% between 2009–2010 and 2016–2017. However, data indicate that there is room for improvement, particularly on outcomes for Māori and the use of remand. The Government has developed a work plan to address these areas.

Diversity in New Zealand Police

42. New Zealand Police has a focus to recruit more women, Māori, Pacific, Indian, African, and Asian New Zealanders. The talent pipeline is proactively managed to reflect the diversity in our communities. In 2016, New Zealand Police was given the top prize at the New Zealand Diversity Awards for efforts to recruit, train and promote female officers. New Zealand Police has a goal of its workforce matching the percentage of Māori in the population overall by 2020.

43. The Commissioner of Police and District Commanders meet regularly with key leaders of ethnic and Pacific communities. At the grassroots level, Police liaison officers assist with community engagement and integration.

Alternative resolutions

44. Following a successful pilot phase, nine '*Te Pae Oranga*' – *Iwi* (tribe) Community Panels are now in operation providing an alternative to prosecution for some low-level offending. These panels hold offenders to account, but are focused on prevention and addressing the underlying causes of offending behaviour. The panels are grounded in *tikanga Māori* (Māori cultural principles), but open to all. For Māori offenders, the panels use *whanaungatanga* (kinship) as a tool for accountability and rehabilitation. Projections indicate that 1,200 offenders will be subject to a Panel in 2018, with evaluation showing that panels are effective in reducing reoffending by Māori youth by 12%.

45. *Oranga Tamariki – Ministry for Children* is supporting several *iwi* (tribes) to coordinate Family Group Conferences. These conferences are a mediated meeting between family members and officials, such as social workers and Police, about the care and protection or criminal offending of a child or adolescent. Victims are supported to participate in youth justice Family Group Conferences.

Rangatahi and Pasifika Youth Courts

46. Fifteen Rangatahi (Youth) Courts and two Pasifika Courts operate on *marae* (traditional meeting places) or in community halls. These Courts work within the existing Youth Court framework to provide a more culturally appropriate response for young people who offend and their families.

47. Evidence shows that Rangatahi Courts are successful in facilitating positive behaviour by young people, connecting them with their cultural identity, community and positive role models, and assisting them to develop positive relationships. An indicative study by the Ministry of Justice showed that young people coming before a Rangatahi or a Pasifika Court were 11% less likely to reoffend over the following year than comparative youth who had been through the Youth Court. Rangatahi and Pasifika Courts have been recognised internationally for their approach, receiving the Australasian Award for Excellence in Judicial Administration.

Working with Māori and Pacific prisoners

48. The Department of Corrections ('Corrections') delivers a range of programmes and interventions designed to be responsive to the needs of Māori and other ethnicities. Corrections has a dedicated Māori Services Team responsible for improving engagement with Māori offenders, and works with Māori leaders to improve outcomes for Māori.

49. In addition, Corrections contracts a number of non-government organisations to deliver a suite of culturally-based programmes targeted at Māori and Pasifika people (but open to all).[13]

50. In 2017, the Waitangi Tribunal[14] issued a report on the disproportionate rates of Māori reoffending. The Government has taken steps to implement many of the Tribunal's recommendations. This work is ongoing, including work on a new Māori strategy being developed in partnership with the Māori leaders.

Mental health services

51. People in New Zealand prisons have high rates of mental health issues. The need to strengthen mental health services for prisoners was raised during UPR consultations.

52. Corrections is currently piloting four mental health and reintegration services aimed at promoting self-care and independence. Teams of clinicians work directly with individuals in prisons and Community Corrections sites to support their mental health needs, and provide mental health education to staff. Support is also provided to families of prisoners engaged in mental health services at four of the Community Corrections sites.

53. In addition, the Intervention and Support project is being developed to transform the support available to prisoners vulnerable to self-harm and suicide. The new model of care will take a therapeutic and long-term approach to ensure prisoners vulnerable to suicide and self-harm receive the support they need.

54. Intervention and Support Units, previously known as At-Risk Units, were established in New Zealand prisons to provide a safe environment to accommodate prisoners at risk of self-harm. In 2015–2016, 3,088 prisoners were placed in Intervention and Support Units on 4,281 occasions for an average of seven days. The New Zealand Ombudsman has raised issues with the management of prisoners in these Units, including privacy concerns and the use of tie-down beds. Corrections is committed to ensuring Intervention and Support Units meet appropriate standards and that staff and prisoners at these facilities are safe and supported. In 2017, New Zealand amended the Corrections Regulations which limits the use of tie-down beds to situations in which all other means of preventing injury and ensuring safety will be ineffective or unfeasible. The intention in the longer-term is to cease the use of tie-down beds altogether.

55. In July 2018, Corrections opened the redevelopment of Auckland Prison, New Zealand's maximum security facility. The facility includes a purpose-built mental health treatment unit and a therapeutic sensory garden. A new 100-bed mental health facility at Waikeria Prison is also being developed.

56. Corrections takes the dignity and privacy of all prisoners seriously. Privacy in safe cells must be balanced against the risk posed to the prisoner's life. Cameras in Intervention and Support Units are used in accordance with the Corrections Act 2004 and Corrections Regulations 2005. A National Working Group is considering the use of closed-circuit television and prison privacy, including whether any changes could be made to ensure greater personal dignity. The Prisoner Welfare Governance Board was established to advise on management and care for prisoners in custody, and to drive programmes of work to address identified needs. The Board's focus is the oversight of prisoner safety and welfare, and independent external members include two former Ombudsmen.

B. Economic, social and cultural rights

Education[15]

57. New Zealand's education system reflects our diverse society, which welcomes different abilities, religious beliefs, ethnic groups, and income levels. Schooling is compulsory from age 6-16 years and free between the ages of 5–19 years in state schools. Early childhood education is not compulsory, but is attended by 97% of New Zealand children. The Government subsidises early childhood education for all children up to 6 hours per weekday, and a higher subsidy is available for 3–5 year olds for 20 hours per week. From 2018, first year tertiary students pay no fees. This will increase to the first three years of tertiary study by 2024.

58. Māori-medium education is where students are taught all or some curriculum subjects in Te Reo Māori (the Māori language) at least 51% of the time. Schools that teach in English use the New Zealand Curriculum. Schools that teach in the Māori language use *Te Marautanga o Aotearoa* (a curriculum based on Māori philosophies). Together, they set a vision for New Zealand's young people – that they will be confident, connected, actively-involved lifetime learners. The curriculum is designed to protect against sexism, racism and

discrimination. It asks schools to ensure that they recognise and affirm student's identities, languages, abilities and talents and provide opportunities for all students to achieve positive outcomes.

59. While there is much to be proud of in the New Zealand education system, the Government is committed to improvement. The Minister of Education recently announced a comprehensive three-year work programme, including explicit consideration of the impact for Māori and Pacific learners, supporting Māori-medium education and students who have learning needs.

60. The Government has set out an ambitious work programme with an enduring long-term vision for education to meet the needs of all learners. The work programme is made up of reviews, medium-term strategies to map out priorities and actions, and key initiatives to get underway now.

61. Education-related issues were raised in UPR consultations, including at secondary schools. There were requests for compulsory teaching of Te Reo Māori and increased human rights education. Concern was raised about religious instruction in some state schools, bullying rates, and minimum qualification requirements for early childhood teachers and teacher aides.

Improving education outcomes for Māori and Pacific students

62. Education participation and achievement rates for Māori and Pacific communities in New Zealand are improving but continue to track below those of other ethnic groups. The Government acknowledges that the education system needs to improve outcomes for Māori and Pacific students. '*Ka Hikitia*' is the Government's Māori education strategy, which recognises Māori aspirations and the importance of Māori identity, language and culture for achieving success. The Government also supports '*Tau Mai Te Reo*', the Māori Language in Education strategy, which is focused on the important role of Māori language and Māori-medium education in developing a strong sense of cultural identity for all New Zealand students. Achievement of secondary school students in Māori-medium education is significantly higher than Māori students in English-medium education.

63. For Pacific students, the 'Pasifika Education Plan 2013-2017' promotes alignment between the learner's educational environment and their home or cultural environment.

64. The Ministry of Education is working to improve educational outcomes by making teaching more culturally responsive. Efforts are being made to ensure that racism and bias is addressed at every level, including policies of the school Board of Trustees, the school climate, individual teaching practices and the ways in which children and young people relate to one another.

Learning support

65. The right to an inclusive education is reflected in the Education Act 1989 and reinforced by the New Zealand Disability Strategy. The Education Act states that people who have special educational needs have the same rights to enrol and receive education at state schools as others. There is an explicit obligation on state schools to be inclusive.

66. The Education (Update) Amendment Act 2017 made changes so schools can access quicker and more tailored support, and the Ministry of Education can intervene where a child is prevented from accessing education. During 2015, the Ministry for Education consulted with over 3,650 parents, *whānau* ('families') and the disability and education sectors. Feedback highlighted the need for the learning support system to be more accessible, focused on children and young people's needs, flexible and linked with other health and social services. A new approach for learning support was developed to address issues raised, including increased coordination, more flexibility in learning environments, and better data-sharing across service providers. The new approach has been implemented in 21 *Kāhui Ako* (communities of learning), with another 26 school groups and early learning services to follow in 2018.

Bullying in Schools[16]

67. Bullying, including cyberbullying, in New Zealand schools is concerning. Schools are required to provide a safe physical and social environment for students. The Ministry of Education supports schools with practical resources and guidance, and free access to 'Wellbeing@School' survey tools, which form part of the Bullying-Free New Zealand School Framework. Data from these surveys show that the rates of bullying behaviour reported by students is decreasing.

Health[17]

68. Overall New Zealand has a well-functioning public-funded health system. There is a legislative framework with strategies and policies designed to ensure the provision of healthcare and the realisation of the right to health.

69. New Zealanders are living longer lives in good health, but health outcome disparities continue to exist, particularly for Māori, Pacific peoples, and people living in lower socio-economic areas. Compared to other Organisation for Economic Co-operation and Development (OECD) countries, New Zealand children experience high levels of infectious disease, injury, maltreatment and hospitalisation for preventable conditions such as rheumatic fever and pneumonia. New Zealand's youth suicide rate is among the highest in the OECD. The need for improved mental health services, particularly for vulnerable groups, featured strongly during UPR consultations. Other issues raised included the vulnerability of people with dementia, the Government's intention to review abortion law, and sexual and reproductive health and rights, particularly for young people, women and Māori.

Māori health

70. There are significant and persistent disparities in health outcomes between Māori and non-Māori in New Zealand. Life expectancy is lower by approximately 4 years for both Māori men and Māori women. Māori have a higher disability rate, regardless of age, and the total cardiovascular disease mortality rate among Māori is more than twice the national average. Māori adults over 25 years are more likely to get cancer, and 50% more likely to die as a result. Māori aged between 5 and 34 years are almost twice as likely as non-Māori to have been hospitalised for asthma.

71. Improving disparities in health outcomes for Māori is the role of the whole health sector. New Zealand's Māori Health Strategy, '*He Korowai Oranga*', sets the overarching framework that guides the Government and the health and disability sector to improve disparities and achieve the best health outcomes for Māori. From 2017–2018, dedicated Māori Health Plans have been incorporated into the annual plans of New Zealand's District Health Boards to achieve a more seamless approach across the health sector, with an explicit aim of strengthening Māori health outcomes.

72. The Waitangi Tribunal is in the early stages of an inquiry into the health system and claims that allege breaches of the Treaty of Waitangi in relation to health services provided to Māori. The Government is engaged in this inquiry and has encouraged the Tribunal to adopt a forward-looking approach to any recommendations that arise.

73. Barriers to accessing health and disability services by Māori are being addressed. ACC launched a Māori-specific strategy, '*Whāia Te Tika*', in 2016. This was in recognition that Māori are 2.5 times more likely than non-Māori to sustain a serious life-changing injury, but less likely to access ACC services. The strategy commits to partnering with Māori and their *whānau* (families) to achieve better outcomes, ensuring that the incidence and impact of injury for Māori is minimised.

Pacific peoples' health

74. Compared with the total New Zealand population, Pacific peoples have poorer health status across a variety of measures. Pacific children are more likely to be overweight than other children, and Pacific health status is unequal with non-Pacific across almost all chronic and infectious diseases. Life expectancy for Pacific males and females is roughly 6

years less than their non-Pacific counterparts. Pacific adults are also twice as likely to have increased psychological distress (high or very high probability of an anxiety or depressive disorder) compared with non-Pacific adults.

75. *'Ala Mo'ui*: Pathways to Pacific Health and Wellbeing 2014-2018' provides an outcomes framework to deliver high-quality health services that meet the needs of Pacific peoples. This framework sets out 13 actions across four priority areas. At a national level, performance for Pacific peoples has achieved equity in five of 21 indicators, including accessing alcohol and drug services, receiving a Before School Check, and General Practitioner and nurse utilisation rates.[18]

76. Barriers to accessing health and disability services by Pacific peoples are also being addressed. For example, disability services information was translated into six Pacific languages in 2016, alongside a media campaign to raise awareness of disability services available to Pacific communities and challenging negative perceptions.

Targeted services

77. Efforts have been made, with some success, to prevent rheumatic fever, which mainly affects Māori and Pacific children and young people in high deprivation areas. In 2016, the rheumatic fever rate was 3.0 cases per 100,000 people (147 cases), a 23% reduction from the baseline rate established over 2009–2012. Free drop-in sore throat clinics are provided nationally, and children are treated through a school-based programme operating in 230 schools.

Mental health

78. The need for improved mental health services, particularly for young people, men, ethnic communities and the LGBTIQ community, was a strong theme during UPR consultations.

79. The New Zealand 'Government Inquiry into Mental Health and Addiction' was established in 2018 in response to widespread concern about mental health and addiction services. The purpose of the Inquiry is to identify unmet needs and develop recommendations for a more cohesive approach. The Inquiry acknowledges that there is work to be done to improve mental health services and outcomes for New Zealanders, particularly for vulnerable groups. The Government is taking steps to reduce the use of seclusion and restraint, particularly in mental health and addiction settings.

80. The Government acknowledges that Police cells are not an appropriate environment to conduct mental health assessments. In 2017, nearly 1,500 people were detained in Police custody for this purpose. Over the reporting period, New Zealand Police has focused on ensuring more people are assessed in a health services environment, or their home. This has resulted in a two-thirds reduction in the numbers of people detained in Police custody awaiting mental health assessment.

81. Reducing the disparity of Māori mental health outcomes is a longstanding priority. Māori make up approximately 15% of the population, but account for 27% of mental health service users. In 2016, Māori were 3.6 times more likely than non-Māori to be subject to a community treatment order.[19] From July 2017, all District Health Boards were required to reduce the rate of Māori subject to community treatment orders by 10% by June 2018.

82. In 2012, a 'Youth Mental Health Project' was launched to help prevent mental health issues and improve young people's access to mental health services. The project comprises 26 initiatives, including comprehensive school-Based health services used by approximately 110,000 students in 2015/16.

C. Rights of specific persons or groups

Women

83. In 1893, New Zealand was the first country where women secured the right to vote. The Government is proud to maintain New Zealand's role as a leader in gender equality.

but recognises that more can be done to protect and promote women's rights. Our legislative framework provides women with comprehensive protection against all forms of discrimination.[20]

Education, training and utilising skills[21]

84. New Zealand women are gaining qualifications at a higher rate than men but their skills are not being translated into career opportunities. More women than men are not in education, employment or training, and Māori and Pacific women and young mothers are particularly vulnerable to low wage employment and poorer financial outcomes.

85. The Government is encouraging women and girls to train and work in occupations where high growth is projected and where women are under-represented, particularly science, technology, engineering and mathematics industries, and construction and trades. 'A Nation of Curious Minds, *He Whenua Hihiri i te Mahara*' is a cross-government initiative to improve engagement with science and technology across all sectors of society, including for women and girls. From 2018, 'Digital Technologies, *Hangarau Matihiko*' curriculum content will allow all learners to learn about computer science principles and programmes.

86. The Government is committed to encouraging vulnerable groups of women into training, with a three-fold increase in the number of female Māori and Pacific students in trades training since 2014.

87. Women's greater share of care responsibilities in the family, and the resultant need for flexible and part-time work, can act as barriers to fully utilising women's skills in New Zealand's workplaces. The Ministry for Women has collaborated with chambers of commerce, economic development agencies, industry training organisations, trade associations and other Government departments to promote greater workplace flexibility for both women and men. Initiatives include workshops for small and medium business owners, development of a flexible work toolkit, and profiling flexible work business champions.

Women in leadership[22]

88. The Ministry for Women has resources to connect women to support to help them realise their leadership potential, and is working to improve the gender balance amongst senior leaders.

89. In 2016, the Government achieved its aim of having at least 45% participation by women on state sector boards and committees. Extra efforts are required to increase the number of women holding board chair roles (34.5% in 2017) and to address under-representation on boards in specific state sector areas. The Government has set a new target of 50% participation for women on state sector boards by 2021.

90. Women's representation amongst senior leaders in New Zealand's public service reached 47.9% in 2017. This remains lower than the proportion of women in the public service overall (60.5% in 2017), but increased from 38.4% in 2009. If current trends continue, 50% of senior leaders in New Zealand's public service will be women by around 2020.

91. Women are further under-represented in private sector leadership positions. Women make up 20% of directors and 19% of chief executives and senior managers of all New Zealand Stock Exchange (NZX) companies. Gender diversity is, however, actively championed by many private sector organisations.[23]

Gender pay gap and pay equity[24]

92. The gender pay gap is a high-level indicator of the difference between women's and men's earnings. In June 2017, New Zealand's gender pay gap was 9.2%. While this gap has been trending downwards since 1998 (16.2%), progress has been slow in the last decade.

93. Closing the gender pay gap is a priority for the Government. Work is underway to:

- Address the gender pay gap within the core public service (currently 12.5% based on average annual salary);
- Support employer action; and
- Build and promote evidence on the gender pay gap.

94. The Government is acting to address pay equity (equal pay for different work of equal value) resulting from systemic discrimination, where jobs that have traditionally been performed by women are paid less than jobs traditionally performed by men. The Government is developing a process for considering pay equity claims for employees working in female-dominated occupations affected by systemic structural discrimination that have been historically, and continue to be, undervalued.

95. A recent NZ$2 billion pay equity settlement for 55,000 care and support workers in New Zealand's aged and disability residential care and home and community support services demonstrates the importance of pay equity. Pay equity legislation is expected to be introduced in 2018.

Other issues

96. New Zealand has legislation in place to prevent and punish forced and underage marriage and female genital mutilation. Government agencies have agreed to identify and support victims of forced and underage marriage.[25]

Children[26]

97. Children and young people make up approximately 26% of New Zealand's population. The majority of our children grow up healthy and well-educated, but poverty is still a persistent problem for too many people. Levels depend on the threshold and measure used, but using the primary measures proposed in the Government's Child Poverty Reduction Bill (see below), recent estimates of the number of children living in poverty range between 135,000 and 210,000 children. There are interrelated issues with child health, housing and education statistics, as well as cross-cutting challenges in ensuring all of our children are free from violence, abuse and neglect.

98. The rights of New Zealand children were frequently raised during UPR consultations, with calls for greater urgency in tackling child poverty, abuse and neglect and to introduce a minimum employment age.

99. Over the past 4 years, the Government has made significant efforts to increase protection and promote the rights of children. The Vulnerable Children Act 2014 made wide-ranging changes to protect children and support them to thrive. Child protection policies have been adopted by the Government, District Health Boards and school Boards of Trustees, and are required by all Government-funded organisations providing services to children. Safety screening and vetting of every person in the Government's children's workforce has been introduced.

100. A new stand-alone Government department, *Oranga Tamariki* – Ministry for Children, became operational in 2017, signalling a whole-of-sector, child-centred approach. The Ministry is dedicated to supporting any child in New Zealand whose wellbeing is at significant risk of harm. The Ministry is also working with young people who may have offended, or are likely to offend, and managing adoption services. *Oranga Tamariki* – Ministry for Children's work is guided by the Convention on the Rights of the Child.

101. The Government has determined that the levels of child poverty in New Zealand are unacceptably high. New Zealand's Prime Minister, Rt Hon Jacinda Ardern, is the first New Zealand Minister for Child Poverty Reduction. The Prime Minister introduced the Child Poverty Reduction Bill to Parliament in January 2018. The Bill will require successive governments to set 3-year and 10-year targets to reduce child poverty in New Zealand, and annual reporting of trends across mulitple measures of child poverty.

102. The Bill also requires the Government to adopt, publish and review a Government strategy for improving the wellbeing of all children, reducing child poverty, and mitigating impacts of child poverty and of socio-economic disadvantage experienced by children. The

purpose of these proposed requirements is to create a greater commitment to action by successive governments to address the wellbeing of all children, and the particular needs of children in poverty and those at risk.

103. In February 2018, Prime Minister Ardern announced the establishment of a Royal Commission of Inquiry into historical abuse in state care. Consultation on the Commission's Terms of Reference is currently underway and will include consideration of impacts on specific groups, including Māori, Pacific and LGBTIQ communities. Some participants at UPR consultations wanted to see the Commission's scope broadened to include religious institutions and community groups.

104. In preparing this report, the Government placed a strong focus on the views of young people. During consultations, students identified practical suggestions to improve the human rights of young New Zealanders. These included lowering the minimum voting age; reducing class sizes; raising the minimum wage; addressing privacy concerns online; and improving housing quality for families through building innovative apartments. Other issues that students identified as impacting on young New Zealanders included discrimination based on gender, race, or sexual orientation, access to dedicated mental health services (including suicide prevention), family violence, and housing affordability. The Government is committed to improving the rights of young New Zealanders and will continue to engage with them in the UPR process.

Persons with disabilities[27]

105. According to the 2013 Disability Survey, approximately 1 in 4 New Zealanders self-reported having a physical, sensory, learning, mental health or other impairment. People aged 65 or over, Māori and Pacific peoples are recorded as having higher-than-average disability rates.

106. Issues of concern raised during UPR consultations included the availability of resources to live inclusively, early mortality rates, reasonable accommodations in Parliamentary processes, improved data collection, and a lack of support for families and whānau caring for persons with disabilities.

107. New Zealand has a long-standing commitment to promoting the rights of persons with disabilities. The New Zealand Disability Strategy 2016-2026 takes a twin-track approach, including 'investing in whole lives' and specific and mainstream services. Development of an Outcomes Framework is underway to enable better monitoring against the Strategy's outcome areas and the Convention on the Rights of Persons with Disabilities. New Zealand also has a 'Disability Action Plan' which is jointly governed by Disabled People's Organisations and Government agencies.

108. In 2017, the Government began a process for the transformation of New Zealand's disability support system, building on learnings from the 'Enabling Good Lives'[28] demonstrations. The aim is to provide persons with disabilities and their families with greater choice and control over their lives.

109. The prototype of the new system was co-designed by persons with disabilities, *whānau* (families), service providers and Government agencies for trial in 2018. Those eligible for the transformed approach will receive a personal budget to use flexibly to purchase disability supports. The new system will provide a 'connector' to help persons with disabilities and their families identify needs and access supports. It will offer joined-up services, streamlined funding and allocation processes, and greater accountability.

110. The '*Whāia Te Ao Mārama* 2018-2022' (Māori Disability Action Plan) was developed to support Māori with disabilities and their *whānau* (families). It is aimed at reducing discrimination, and encourages participation of Māori with disabilities in the development of health and disability services, and support services that are responsive to Māori.

111. The '*Faiva Ora* 2016–2021' (National Pasifika Disability Plan) sets out priority outcomes and actions to support and improve the lives of Pacific persons with disablities and their families.

Māori

112. Māori New Zealanders hold special status as *tangata whenua*, the indigenous people of New Zealand. The rights of Māori are provided for under the Treaty of Waitangi and further affirmed in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Māori comprise approximately 15% of New Zealand's total population, or nearly 600,000 people. The rights of Māori and the status of the Treaty of Waitangi were frequently raised during UPR consultations.

113. The challenges experienced by Māori in relation to inequalities in education, employment, health, and justice are covered elsewhere in this report. This section is focused on historical claims in the framework of the Treaty of Waitangi, efforts to protect Te Reo Māori (the Māori language), and the '*Whānau Ora*' ('Family Health') approach.

Settling historical treaty claims[29]

114. Claims of breaches by the government of the Treaty of Waitangi before 1992 are known as historical claims. Historical Treaty settlements are negotiated between the Government and claimant groups to resolve these claims and provide redress to claimant groups. Settlements agreed between the Government and representatives of claimant groups go through a process of ratification by the claimant group, and pending the result of the ratification vote, are enacted into law. To date, 89% of *iwi* (tribes) have settled or are in settlement negotiations with the the Government. The Government is dedicated to completing all settlements in a timely manner.

115. While remaining focused on achieving Treaty settlements, the Government is increasingly turning its attention to ensuring the durability of Treaty settlements and other post-settlement matters. In September 2018, the Government confirmed the final scope of a new Ministerial portfolio and agency called Māori Crown Relations: Te Arawhiti. The new agency consolidates several other units and offices including the Office of Treaty Settlements, the Post Settlement Commitments Unit and the Marine and Coastal Area Act Team.The new agency will work to ensure that the Crown (the government) honours its settlement commitments, that there is more active partnerships with Māori both in policy development and the design and delivery of services, and that the gains made in relationships between government and Māori through the settlement process are maintained and built upon. The Minister for Māori Crown Relations: Te Arawhiti will also look to facilitate partnership opportunities that arise in a post-Treaty settlement environment and expand opportunities for relationships beyond those established by the settlement of historical claims.

Safeguarding Te Reo Māori (the Māori language)[30]

116. Te Reo Māori (the Māori language) is an important cultural asset for Māori and is protected under the Treaty of Waitangi. In 2016, the New Zealand Parliament passed *Te Ture mō te Reo Māori*, the Māori Language Act. This Act establishes a new organisation, '*Te Mātāwai*', to lead the revitalisation of the Māori language. The Act is written in *Te Reo Māori* (the Māori language) and English, with the Māori language text prevailing – a first for the New Zealand legal system.

117. In 2018, the Minister for Māori Development will release '*Maihi Karauna*', the Government's strategy for the Māori language. This will complement '*Maihi Māori*', the strategy being developed by *Te Mātāwai*. '*Maihi Karauna*' will focus on national-level matters including contributions by Government to the revitalisation of the Māori language. '*Maihi Māori*' will focus on the community level.

Whānau Ora

118. '*Whānau Ora*' (Family Health) is a Government-funded approach established in recognition of the disparities for Māori across a range of sectors. The approach is unique because it endorses the capacity of *whānau* (families) for self-determination, has an inter-generational dynamic, is built on a Māori cultural foundation, and asserts a positive role for *whānau* (families) within society.

119. Three '*Whānau Ora*' Commissioning Agencies deliver devolved whānau-centred services and initiatives to support whānau to be self-managing leaders. '*Whānau Ora*' recognises the collective strength and capability of whānau to achieve better outcomes in areas including health, education, environment, and employment.

Pacific peoples[31]

120. In the 2013 Census, 7.4% of New Zealanders identified with one or more Pacific ethnic groups. Two-thirds of Pacific peoples were born in New Zealand. It is expected that Pacific peoples will comprise 10% of New Zealand's total population by 2038.

121. Education, employment, health and housing data show that Pacific peoples are faring less well than other New Zealanders. The Ministry for Pacific Peoples is currently focusing on improving educational and employment outcomes. Examples include the *Toloa* programme, which encourages Pacific students to pursue studies in science, technology, engineering and mathematics, and the Pacific Employment Support Service, which focuses on reducing the number of Pacific young people who are not in employment, education or training. There are also disparities between those born in New Zealand and in the Pacific islands, and between different Pacific groups.

122. Census data indicates that the number of fluent Pacific language speakers in New Zealand is declining. The Government aims to preserve and promote the use of Pacific languages through annual language weeks. A variety of media and digital platforms are used to highlight the importance of Pacific languages and ensure their survival within communities.

People of Canterbury[32]

123. The 2010 and 2011 Christchurch earthquakes killed 185 people and resulted in damage to 90% of homes in the city. Major recovery issues emerged for affected people, particularly in relation to adequate housing.

124. Seven years on, significant progress has been made. The repair and rebuild of the water supply, wastewater, stormwater and roading infrastructure was completed in 2017. Other reconstruction projects have been completed, or are underway, and significant amounts of land have been rezoned, allowing for housing to be replaced.

125. A Recovery Strategy and Recovery Plans were developed to enable recovery to progress with certainty in areas including the central city, and to open up the supply of land for housing following the loss of housing stock. Other Recovery Plans enabled collaborative initiatives developed by local iwi and Councils and agreed long-term land uses.

126. Housing New Zealand[33]'s Canterbury Earthquake Recovery Programme has now concluded, with 5,140 houses repaired and 701 new houses built. This returned Housing New Zealand's housing stock to pre-earthquake levels but with the benefit of significant improvements in quality, including warmth and dryness. In the private housing market, there has been progress towards the development of affordable housing on publicly-owned land in the inner city and city fringe areas.

127. Due to progress with residential repair and rebuild over the past two years, private market rentals are the main supply of temporary accommodation for displaced residents. The Government's temporary accommodation villages are being decommissioned and sold to housing providers. These villages had helped meet the needs of homeowners who struggled to find accommodation in the private rental market. They also relieved pressure on the private market, contributed to psychosocial recovery and provided reutilisation benefits.

128. The Government started putting in place arrangements to enable local leadership of regeneration efforts in Christchurch in 2015, recognising that for recovery to be sustainable, it needs to be led by local communities. Several legislative and institutional arrangments were refreshed in 2016. The Greater Christchurch Regeneration Act 2016 provides for the future development of greater Christchurch and enables an increased role for local leadership. Regenerate Christchurch, a Crown and Council joint entity, was set up to lead

regeneration planning. Ōtākaro Limited, a Crown-owned company, was set up to deliver Government-led projects, including accessibility improvements and transport projects. The Government has invested an estimated $18 billion to ensure that Christchurch is stronger and more resilient than before the earthquakes.

Refugees, migrants and asylum seekers[34]

Migrants

129. Thousands of people arrive each year to make New Zealand their home. New Zealand is one of the most ethnically diverse countries in the OECD, and nearly one in four New Zealanders was born overseas.

130. The New Zealand Migrant Settlement and Integration Strategy sets out the Government's approach to effectively settle and integrate migrants so they make New Zealand their home, participate fully and contribute to all aspects of New Zealand life. The Strategy supports outcomes for migrants in five key settlement areas: employment, education and training, English language, health and wellbeing, and inclusion.

131. Sixteen outcome indicators measure progress on the five settlement areas. An annual dashboard report measures and monitors trends across the Strategy outcomes and helps direct cross-government settlement activity. Migrants are also consulted on a regular basis to identify settlement challenges.

132. A cross-government settlement work programme supports each of the Strategy outcome areas for recent migrants. Services and trusted information provided across government agencies include a focus on addressing discrimination against migrants in the workplace and in the community, and ensuring migrants and their employers understand their rights and responsibilities.

Ethnic Communities

133. The Office of Ethnic Communities (OEC) provides policy advice to ensure equal access for ethnic people, building relationships between ethnic minorities and mainstream communities and promoting intercultural dialogue. Recent initiatives include the 'Young Leaders Programme', aimed at developing young leaders to increase ethnic visibility and representation in the public sector, and the 'Ethnic People in Commerce Conference', connecting New Zealand's ethnically-diverse business community with business leaders and Government agencies. To encourage diversity and inclusion, the 'Ethnic Communities Development Fund' has contestable grants for leadership development, social cohesion, and culture projects. OEC is developing plans to increase ethnic communities' participation on state sector boards. OEC also runs 'Language Line', making services more accessible to people with English as a second language. This is a telephone-operated interpreting service with 44 languages which supports positive settlement outcomes and social inclusion.

Protecting migrant workers[35]

134. In 2015, the Immigration Amendment Bill (No 2) was passed by Parliament. This Bill made a number of amendments to the Immigration Act 2009 to address gaps in the compliance regime and introduce new measures to prevent exploitation of migrant workers. Subsequently, in 2017 new measures were introduced to stop employers who breach immigration and employment law from recruiting migrant workers.

135. The Ministry of Business, Innovation and Employment is working to address temporary migrant worker exploitation and proactively targeting employers that exploit workers, particularly migrant workers. The Ministry undertakes compliance and enforcement, supported by advice and education programmes. Separately, a Serious Offences Unit has been established which investigates and prosecutes the most serious, complex and organised offending, including migrant exploitation.

People trafficking[16]

136. New Zealand is committed to combatting people trafficking in all its forms and at all levels. Victims of trafficking are treated as people in need of protection and provided with a range of support services through a whole-of-Government approach.

137. In 2015, Parliament passed the Organised Crime and Anti-Corruption Bill. Exploitation and coercion where the victim has remained in New Zealand now constitutes an offence, meaning the offence is not restricted to cases where a victim has crossed a national border. The definition of exploitation also includes forced labour (and other forced services), slavery and like practices, and servitude.

138. New Zealand's whole-of-Government response to people trafficking is outlined in a 'Plan of Action to Prevent People Trafficking'. The Plan's goals are to prevent people trafficking, protect the human rights of trafficking victims and prosecute people traffickers. The Plan of Action is currently being refreshed to reflect the 2015 legislative changes. It will be expanded to include slavery and forced labour, and will look to capture the wide array of regional and national partnerships and collaboration underway to effectively address these issues. New Zealand's first conviction for people trafficking occurred in 2016. Another case is currently before the Courts.

Refugees and asylum seekers

139. New Zealand's Refugee Quota Programme and special emergency Syrian intake reflect New Zealand's commitment to fulfilling its international humanitarian commitments and responsibilities to provide protection to refugees. In September 2015, the Government announced that New Zealand will welcome 750 Syrian refugees in response to the ongoing conflict in Syria. Of these, 600 were by way of a special emergency intake above New Zealand's annual quota.

140. The Government announced in 2016 that the Refugee Quota will permanently increase to 1,000 places annually from July 2018. A further increase to 1500 places annually from July 2020 was announced in September 2018. The Government also agreed to pilot a new Community Organisation Refugee Sponsorship Category for 25 refugees in 2017/2018. The new category is in addition to and complements the Refugee Quota.

141. The New Zealand Refugee Resettlement Strategy sets out the Government's approach to supporting settlement outcomes for refugees so that they achieve social integration, self-sufficiency and independence. The Strategy has six key settlement areas: employment, housing, education, health and wellbeing, and participation.

142. On arrival, quota refugees are accommodated at the Mangere Refugee Resettlement Centre where they participate in a six-week reception programme, which focuses on living and working in New Zealand. As permanent residents, refugees have access to the same Government-funded services as New Zealand citizens.

143. Since 2015, the Ministry for Business, Innovation and Employment has contracted an evaluation of the reception and community orientation programmes. Refugees have been interviewed at various stages of their settlement in New Zealand about their experience of these programmes and the extent to which these have prepared them for settlement in the community. Evaluation findings are used to further improve services.

144. After completing the reception programme, quota refugees are settled in public housing or private rentals in seven settlement locations in New Zealand and provided support to settle in the community for up to 12 months.

145. In addition, refugee and protection claims may be made in New Zealand. While a claim is being determined, an asylum seeker can access health care and, depending on their temporary visa, can access work or study. Children asylum seekers are able to access primary and secondary education, regardless of immigration status.

V. New and emerging issues

146. This report is focused on identifying Government priorities to address human rights issues in relation to UPR recommendations received by New Zealand. In this final section, we outline three issues that have not previously featured in our UPR reporting: housing quality, supply and affordability; sexual orientation and gender identity; and the impact of the environment.

Housing quality, supply and affordability

147. Housing issues were frequently raised during UPR consultations. Participants were concerned about cost and quality of housing, security of tenure in rented accommodation, and a shortage of housing for the elderly and persons with disabilities, leading to mental and physical health consequences, difficulties in maintaining employment, and breakdowns in family relationships.

148. The Government recognises that New Zealand's housing situation needs improvement. A range of policies and initiatives are in place, or planned, to increase the supply of land available for housing, provide public housing, reduce homelessness, improve tenure security and housing quality for renters, and increase home ownership rates.

149. Significant recent developments include:

- 'KiwiBuild', an ambitious NZ$2 billion programme aiming to deliver 100,000 affordable quality homes for first-home buyers over the next decade;
- Over $500 million in Budget 2018 to increase public housing to around 6,400 over four years, and to expand Housing First to purchase 550 additional places, and achieve 2,155 transitional housing places to fight homelessness;
- The 'Land for Housing Programme', which acquires vacant or underutilised land for state housing purposes;
- The Healthy Homes Guarantee Act 2017, which enables regulations for minimum quality standards of rental properties; and
- Reform of the Residential Tenancies Act 1986.

150. The Government is committed to ensuring Māori have equitable housing outcomes. A Māori Housing work plan has been developed to ensure that wider housing policies are of benefit to Māori and to develop options to deal with Māori-specific issues, such as building on Māori land. The Government is taking an active part in the forthcoming Waitangi Tribunal *kaupapa* (thematic) inquiry into housing services and policy. It is hoped the outcomes of the Tribunal inquiry will be useful in informing Government policies in relation to housing services, not just for Māori but for all New Zealanders including migrants, refugees and asylum seekers.

Sexual orientation and gender identity

151. While no sexual orientation or gender identity issues were reflected in the 2015 UPR recommendations, the Government indicated its intention to address these. There remains an elevated risk of mental health issues and suicide risk in New Zealand's LGBTIQ population. Discrimination against LGBTIQ people was raised during UPR consultations, particularly by young people.

152. Variable access to quality and targeted health services remains an issue for the LGBTIQ community in New Zealand, although some progress is being made. Work is underway to improve gender-affirming treatment for gender-diverse New Zealanders and to reduce the long waiting list for access to surgery. An intersex clinical pediatric network is being developed to improve the clinical experience for intersex patients, and New Zealand is an early adopter of funding a pre-exposure treatment for people most at risk of HIV infection.

153. The experience of transgender people in prison can be problematic, despite a policy change in 2014 aimed at broadening the criteria used to determine gender identity and ensuring appropriate prison assignment. The Government has introduced a new policy for the safe management of transgender prisoners. The policy is underpinned by four principles – that transgender prisoners' management will be individualised; seek to ensure their safety, dignity and privacy; enable them to maintain their gender identity while in prison; and not be solely determined by whether they are placed in a prison which aligns with their gender identity.

154. In 2016, the Ministry of Education released guidance for schools on supporting the inclusion and wellbeing of LGBTIQ students, providing practical strategies for developing school cultures where all students are safe, included, visible and valued.

155. The Minister of Statistics recently announced that sexual orientation and identity questions will be a priority for the 2023 national census. Obtaining data regarding these minority groups will enable better targeting of services to meet their health and social needs.

Impact of the environment

156. New Zealanders enjoy a high environmental quality of life, although the environment and natural resources are under increasing pressure. In particular, climate change has significant impacts on the cultural, economic and social rights of New Zealanders. In 2017, the Government committed to taking decisive action on climate change, and signalled its intention to introduce a new Zero Carbon Bill in 2018. The Bill is intended to set a new emissions reduction target for 2050 and establish an independent Climate Change Commission to keep future Governments on track to meet New Zealand's climate change goals. Public consultation took place from June to July 2018.

157. An Environmental Health Action Plan is being developed to provide strategic direction for environmental health activities in New Zealand. The Plan will identify local, national and regional environmental health risks and provide environmental health risk management strategies and reporting. The Plan is intended to support those involved in environmental health and provide guidance and a framework to further environmental health work.

VI. Conclusion

158. The Government welcomes this opportunity to take stock of New Zealand's human rights performance. While New Zealand has made progress in several areas, we recognise that significant ongoing challenges remain. We look forward to participating in the UPR dialogue and receiving recommendations from States, as well as continued engagement with civil society, to inform the Government's future action on human rights in New Zealand.

Notes

[1] UPR recommendations 42, 43.
[2] UPR recommendations 30, 37, 86, 88.
[3] The Treaty of Waitangi (Te Tiriti o Waitangi) is New Zealand's founding document, signed in 1840 by British Representatives and Māori rangatira (chiefs). It remains the basis of the relationship between Māori and the New Zealand Government.
[4] UPR recommendations 28, 47.
[5] UPR recommendations 154, 155.
[6] UPR recommendations 1, 3, 4, 6, 7, 15, 29, 31, 47, 89.
[7] International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; International Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Elimination of All Forms of Discrimination Against Women; Convention on the Rights of the Child; Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment

or Punishment; and the Convention on the Rights of Persons with Disabilities.

[8] UPR recommendations 48, 49, 50.

[9] UPR recommendations 57, 106–112, 114–128, 134, 142.

[10] Pasifika is a term that describes people living in New Zealand of Pacific descent.

[11] UPR recommendation 25.

[12] UPR recommendations 64, 68, 71, 73, 75–77, 81–84, 102, 103, 133.

[13] These programmes include: The 'Tikanga Māori' Motivational Programme offers culturally-responsive motivational programmes for people who identify as Māori; 'Mauri Tū Pae' is a programme to reduce reoffending, delivered in the five Te Tirohanga (Māori focus) units and at the Northland Regional Corrections Facility; Qualifications in Māori language and culture are delivered at many prison sites; The 'Whare Oranga Ake' Māori culturally-based programme houses minimum-security prisoners nearing release outside prison in self-care accommodation; The 'Tiaki Tangata' programme supports long-term prisoners transitioning back into the community on release; 'Mana Wahine' Māori culturally-based units operate at the three women's corrections facilities; and the 'Saili Matagi' rehabilitation programme targets Pasifika men serving a sentence for violent offences by providing behavioural support.

[14] The Waitangi Tribunal is a standing commission of inquiry with the statutory jurisdiction to consider claims that the Crown has breached the principles of the Treaty of Waitangi and, if the Tribunal so finds, to make (principally non-binding) recommendations to the Crown to remedy the breach.

[15] UPR recommendations 64–66, 68, 69, 71, 72, 74, 75, 78–80, 139, 140–144.

[16] UPR recommendation 142.

[17] UPR recommendations 64, 69, 72, 75, 79, 80, 136, 137.

[18] A Before School Check is a free health and development check for 4-year olds.

[19] A community treatment order requires patients to accept psychiatric treatment outside hospital, subject to regular, independent review. The core requirements are to maintain continuing contact with community mental health professionals and to accept medication as prescribed.

[20] UPR recommendations 91, 93, 94.

[21] UPR recommendation 141.

[22] UPR recommendation 92.

[23] These organisations include the Institute of Directors, Business New Zealand, Champions of Change, Global Women and NZX.

[24] UPR recommendations 96–99.

[25] UPR recommendations 129, 130.

[26] UPR recommendations 44, 55–63, 67, 70, 107, 112, 123, 124, 138, 142.

[27] UPR recommendations 72, 75, 105, 136.

[28] Enabling Good Lives is a principles-based approach to supporting persons with disabilities that offers choice and control over the supports they receive.

[29] UPR recommendations 40, 41, 87.

[30] UPR recommendation 85.

[31] UPR recommendation 143.

[32] UPR recommendations 51–53.

[33] Housing New Zealand provides housing services to New Zealanders in need.

[34] UPR recommendations 145, 146, 148–152.

[35] UPR recommendation 101, 147.

[36] UPR recommendation 131.

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Compilation on New Zealand

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. New Zealand was encouraged by several treaty bodies to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[3] the International Convention for the Protection of All Persons from Enforced Disappearance,[4] the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights[5] and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure,[6] as well as the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the ILO Domestic Workers Convention, 2011 (No. 189),[7] and to extend the application of the Convention on the Rights of the Child to the territory of Tokelau.[8]

3. Recommendations were made to New Zealand to consider withdrawing its reservations to article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[9] and article 10 (2) (b) and (3) of the International Covenant on Civil and Political Rights, and to consider withdrawing the reservation to article 32 (2) and article 37 (c) of the Convention on the Rights of the Child.

4. New Zealand contributed financially to the Office of the United Nations High Commissioner for Human Rights annually.[10]

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III. National human rights framework[11]

5. The Committee on Economic, Social and Cultural Rights was concerned that in the light of the New Zealand Bill of Rights Act, economic, social and cultural rights did not enjoy equal status with civil and political rights. It was also concerned that the Act lacked supremacy over other statutes and that legislation adversely affecting human rights had remained in effect, despite declarations of inconsistency made by the Human Rights Review Tribunal and the courts under the Human Rights Act.[12] It recommended that New Zealand take the necessary steps to incorporate fully the provisions of the International Covenant on Economic, Social and Cultural Rights into the legal order, so as to render them justiciable in the domestic courts.[13]

6. The Human Rights Committee recommended that New Zealand consider entrenching the Bill of Rights Act 1990 and strengthening the role of the judiciary, as well as parliamentary scrutiny, in assessing the consistency of enacted laws with the Act and with the International Covenant on Civil and Political Rights.[14]

7. The Working Group on Arbitrary Detention noted that one of the essential foundations of the New Zealand system of government was the Treaty of Waitangi, which had been signed between Maori chiefs and the British Crown in 1840. Although the Treaty of Waitangi was the founding document of New Zealand as a nation, it was not a formal part of its domestic law. The Working Group also noted the establishment in the 1970s of the Waitangi Tribunal, whose decisions were however not binding.[15]

8. The Committee on Economic, Social and Cultural Rights recommended that New Zealand take immediate steps, in partnership with Maori representative institutions, to implement the recommendations of the Constitutional Advisory Panel regarding the role of the Treaty of Waitangi within its constitutional arrangements.[16]

9. The Committee on the Elimination of Discrimination against Women was concerned that in the past several years, the New Zealand Human Rights Commission had suffered continual decreases in resources, and that its mandate was limited by the Immigration Act, preventing it from accepting complaints from migrants.[17]

10. The Committee against Torture recommended that New Zealand ensure that the Independent Police Conduct Authority was equipped with a broader mandate and full independence in order to investigate promptly, effectively and impartially all reports of violence.[18]

11. The Committee on the Rights of the Child recommended that New Zealand ensure that the Children's Commissioner had adequate resources.[19]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[20]

12. The Human Rights Committee was concerned about the absence of a comprehensive national strategy to combat racism, racial discrimination, xenophobia and other forms of intolerance, including racial and religious hatred. The Committee regretted the lack of information on the low number of cases of racial discrimination and racially motivated violent incidents that were investigated and where the perpetrators were prosecuted and punished.[21] The Committee on the Elimination of Racial Discrimination recommended that New Zealand ensure that acts of racial discrimination were investigated and that the perpetrators were prosecuted and sanctioned,[22] and that the Race Relations Commissioner play a leadership role in developing, in consultation with all stakeholders, a national plan of action against racial discrimination and xenophobia.[23]

13. The Committee on the Elimination of Discrimination against Women was concerned that discrimination on the grounds of gender identity, gender expression or sex characteristics was not specifically prohibited.[24]

14. The Committee on the Rights of the Child recommended that New Zealand strengthen its measures to combat negative attitudes among the public and other preventive activities against discrimination and, if necessary, take affirmative action for the benefit of children in vulnerable situations, such as Maori and Pasifika children, children belonging to ethnic minorities, refugee children, migrant children, children with disabilities, and lesbian, bisexual, gay, transgender and intersex children.[25]

2. Development, the environment, and business and human rights[26]

15. The Committee on Economic, Social and Cultural Rights was concerned that the regulatory framework for companies operating in the country and those domiciled under its jurisdiction acting abroad did not fully ensure respect for economic, social and cultural rights. It recommended that New Zealand expedite the adoption of a national plan of action on business and human rights to implement the Guiding Principles on Business and Human Rights, and that it strengthen the regulatory framework, including that concerning legal liability, for companies operating in the country and those domiciled under its jurisdiction acting abroad, to ensure that their activities did not negatively affect the enjoyment of economic, social and cultural rights and that victims could claim reparations.[27]

16. The Committee on the Rights of the Child was concerned about the harmful impact of climate change on children's health, especially for Maori and Pasifika children and children living in low-income settings. The Committee drew attention to target 13.5 of the Sustainable Development Goals on promoting mechanisms to raise capacity for effective climate change–related planning and management.[28]

17. The Committee on Economic, Social and Cultural Rights was concerned about the slow pace of processing claims arising from the Canterbury earthquakes and recommended that New Zealand strengthen its efforts to swiftly process the outstanding claims arising from the earthquakes.[29]

3. Human rights and counter-terrorism[30]

18. The Human Rights Committee was concerned that counter-terrorism legislation had been enacted under urgent time frames without providing sufficient time for public consideration and consultation. The Committee recommended that New Zealand fully integrate the rights protected under the Covenant into its legislative and policy actions to combat terrorism and that it ensure that designation procedures and terrorist investigations fully complied with the provisions of the Covenant.[31]

B. Civil and political rights

1. Right to life, liberty and security of person[32]

19. The Human Rights Committee was concerned about information received regarding the equipment of front-line law enforcement officers with electro-muscular disruption devices, such as tasers. The Committee called on New Zealand to re-evaluate its policies on the use of such devices, ensuring consistency with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.[33]

20. The Committee against Torture was concerned at reports that, despite remedial measures taken by the authorities, overcrowding remained a problem in many places of detention, as well as at reports that, in a number of such places, the material conditions and health-care services, in particular mental health-care services, were inadequate. It recommended that New Zealand continue to reduce overcrowding, particularly through the wider application of non-custodial measures as an alternative to imprisonment, and ensure that adequate mental health care was provided for all persons deprived of their liberty.[34]

21. The Committee against Torture was concerned at information received on the persistent seclusion of persons in mental health facilities for the purposes of punishing and disciplining, as well as for health-related reasons. It noted that a significant number of victims had been secluded for more than 48 hours and that Maori were more likely to be secluded. It was also concerned at information that New Zealand continued to include, in new psychiatric facilities, cells specifically designed for solitary confinement. It recommended that New Zealand use solitary confinement and seclusion as measures of last resort, for as short a time as possible, under strict supervision and with the possibility of judicial review, and that it prohibit the solitary confinement and seclusion of juveniles, persons with intellectual or psychosocial disabilities, pregnant women, women with infants and breastfeeding mothers, in prison and in all health-care institutions.[35] The Committee on the Rights of Persons with Disabilities recommended that immediate steps be taken to eliminate the use of seclusion and restraints in medical facilities.[36]

22. The ILO Committee of Experts on the Application of Conventions and Recommendations observed, in regard to the privatization of prisons and prison labour, that the issue of voluntary written consent did not appear to be addressed in the Corrections Act, and requested that the Government clarify whether the request form required to be submitted by the prisoners of private prisons for employment involved their voluntary consent, such consent being free from the menace of any penalty, including the loss of rights or privileges.[37] The Committee against Torture recommended that New Zealand ensure that privately run places of detention fully complied with domestic laws and international standards and obligations.[38]

2. Administration of justice, including impunity, and the rule of law[39]

23. The Committee on the Elimination of Discrimination against Women was concerned at the decrease in the availability of legal aid, and at the limited access for women to information on available remedies, particularly rural and migrant women. It recommended that New Zealand increase the availability of legal aid for women, in particular Maori and migrant and women belonging to ethnic minority groups, and disseminate information, particularly in rural and remote areas, about available legal remedies.[40]

24. The same Committee was concerned about the apparent crisis within the family court system, and while welcoming the upcoming review of the family court system announced by the Minister of Justice, it was concerned that the review would be focused on the 2014 reforms alone and would not examine the root causes of the systemic lack of trust of and insensitivity towards women who were victims of domestic violence. It recommended that New Zealand establish a royal commission of inquiry to engage in wide-ranging evaluation of the family court system and to recommend the legislative and structural changes necessary to make the family courts safe and just for women and children, particularly in situations of domestic violence.[41]

25. The Working Group on Arbitrary Detention noted that people of Maori descent made up over 50 per cent of the prison population, while Maori comprised approximately 15 per cent of the general population. As a result of the Drivers of Crime initiative, the number of young Maori coming to court had decreased between 2008 and 2012 by approximately 30 per cent. However, the number of young Maori appearing in court was still four times that of non-Maori.[42]

26. The Committee on the Elimination of Racial Discrimination recommended that New Zealand strengthen its efforts to address the root causes leading to disproportionate *incarceration rates of Maori.*[43] *The Human Rights Committee urged New Zealand to review* its law enforcement policies with a view to reducing the incarceration rates and the overrepresentation of members of the Maori and Pasifika communities, particularly women and young people, at all levels of the criminal justice system, as well as the reconviction and reimprisonment rates.[44]

27. The Committee against Torture remained concerned at the gaps in the protection of juveniles in the State's criminal justice system.[45] The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was concerned at the low legal age for criminal responsibility, which started at 10 years under the Children,

Young Persons and Their Families Act 1989 and recommended that New Zealand consider increasing the age of criminal responsibility.[46]

3. Fundamental freedoms and the right to participate in public and political life[47]

28. The Human Rights Committee indicated that New Zealand should take all appropriate measures to enhance Maori and Pasifika representation in government positions at all levels, in particular at the local council level, including through the establishment of special electoral arrangements.[48]

29. The Committee on Economic, Social and Cultural Rights remained concerned that while women comprised the majority of civil servants, only 38 per cent of chief executives of public departments were women. The same Committee recommended that New Zealand pursue its efforts to achieve gender parity in all elected bodies, and step up its measures to increase women's representation in leadership roles in the public sector.[49]

4. Prohibition of all forms of slavery[50]

30. The Committee against Torture welcomed the progress made to combat trafficking in persons, however human trafficking remained a matter of concern for the Committee, as New Zealand reportedly continued to be a destination country for foreign men and women trafficked for the purposes of forced labour and sex and a source of children trafficked within the country for the purpose of sex. The Committee also noted that only a small number of trafficking cases had been brought forward under the State party's anti-trafficking legislation.[51]

31. The Committee against Torture recommended that New Zealand adopt effective measures to prevent, investigate, prosecute and punish acts of trafficking.[52] The Committee on the Elimination of Discrimination against Women recommended that New Zealand speedily adopt a new national action plan to combat human trafficking, in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.[53]

32. The Committee on the Rights of the Child urged New Zealand to define and prohibit all cases of sale of children, child prostitution and child pornography, including attempts to commit and complicity in committing any of these acts,[54] and to continue its efforts to develop and implement a comprehensive, coordinated and effective system of data collection, analysis, monitoring and impact assessment on all areas covered by the Optional Protocol on the sale of children, child prostitution and child pornography.[55]

5. Right to privacy and family life[56]

33. The Human Rights Committee was concerned that the right to privacy was not part of the Bill of Rights Act 1990 and that the existing legal framework provided the Government Communications Security Bureau with a very broad mandate. The Committee was concerned about the absence of a clear definition of the terms "national security" and "private communication" in the Telecommunications (Interception Capability and Security) Act 2013. It indicated that New Zealand should take all appropriate measures to ensure that sufficient judicial safeguards were implemented.[57]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[58]

34. The Committee on Economic, Social and Cultural Rights expressed concern at the increase in the number of underemployed people and recommended that New Zealand take targeted measures to address underemployment more effectively.[59]

35. The same Committee noted with concern that, despite the efforts undertaken by New Zealand, the unemployment rate among Maori and Pasifika was approximately double the general rate, and that women and persons with disabilities were more likely to be

unemployed. It recommended that New Zealand increase employment opportunities in general and for specific groups, notably Maori, Pasifika, women, persons with disabilities and youth.[60]

36. The Committee was concerned that under the Minimum Wage Act persons with disabilities could be paid lower salaries, below the minimum wage, and urged New Zealand to adopt the necessary legislative and administrative measures, including by revising the Minimum Wage Act, to ensure that all workers, without discrimination, received a minimum wage that enabled them to have decent living conditions.[61]

37. The Committee noted that New Zealand had the lowest gender wage gap among Organization for Economic Cooperation and Development countries. It was concerned, however, that women were more likely to be engaged in part-time, casual and low-paid employment, constituting an obstacle to eliminating the gender wage gap and affecting women's pension benefits when they retired. It was also concerned that women were disproportionately engaged in multiple employment.[62]

38. The Committee on the Elimination of Discrimination against Women was concerned at the decreased funding for childcare facilities and services, which impeded women from participating equally in the workforce.[63]

39. The ILO Committee of Experts referred to its previous comments, drawing the Government's attention to the fact that the Employment Relations Act 2000, the Human Rights Act 1993 and the Equal Pay Act 1972 did not fully reflect the principle of equal pay for work of equal value, since they limited the requirement for equal remuneration for men and women to the same and substantially similar work.[64] The Committee on the Elimination of Discrimination against Women recommended that New Zealand adopt and enforce the principle of equal pay for work of equal value in revised employment relations legislation covering both public and private workplaces.[65]

40. The Committee on the Rights of the Child recommended that New Zealand establish a minimum age of admission to employment in line with international standards and that it ensure that all working children under 18 were protected from hazardous work.[66]

2. Right to social security[67]

41. The Committee on Economic, Social and Cultural Rights recommended that New Zealand pursue its intention to reform the social security system, including the Social Security Act 1964, in wide consultation with civil society, in order to ensure the realization of the right to social security, and that it assess the effectiveness of the sanctions regime applied to non-compliant beneficiaries bearing in mind the core content of the right to social security and the best interests of the child.[68]

3. Right to an adequate standard of living[69]

42. The Committee on Economic, Social and Cultural Rights expressed its concern about the rise in child poverty in New Zealand. It was also concerned about the disproportionate numbers of Maori and Pasifika children and children with disabilities living in households with incomes below the relative income poverty line.[70] The Committee on the Rights of the Child raised similar concerns.[71]

43. The Committee on Economic, Social and Cultural Rights was concerned that disadvantaged groups and individuals, notably Maori and Pasifika families and persons with disabilities, were more likely to experience severe housing deprivation, including overcrowded conditions. It recommended that New Zealand adopt a human rights-based national housing strategy, taking into account the 2018 housing stocktake report produced by the Government. It also recommended that New Zealand step up its efforts to increase the availability of quality affordable housing, paying particular attention to low-income, Maori and Pasifika families, persons with disabilities and older persons.[72]

44. The same Committee was concerned at persistent challenges in access to safe drinking water, leading to outbreaks of disease. The Committee recommended that New Zealand take immediate steps to address the obstacles to access to safe drinking water, including by implementing the findings of the Havelock North drinking water inquiry.[73]

4. Right to health[74]

45. The Committee on Economic, Social and Cultural Rights was concerned about the persistent gaps in the enjoyment of the right to health, with Maori and Pasifika experiencing the worst health outcomes. It was particularly concerned that Maori had higher rates of chronic diseases, experienced higher disability rates and were negatively overrepresented in suicide and mental health statistics.[75] The Committee on the Elimination of Racial Discrimination raised similar issues.[76]

46. The Committee on the Elimination of Discrimination against Women noted that the Crimes Act 1961 contained restrictive grounds for lawful abortion, in which rape and sexual violence were not included. It recommended that New Zealand remove abortion from the Crimes Act 1961, ensure that abortion was legalized, at least in cases of rape, incest, threats to the life or health of the pregnant woman or severe fetal impairment, and ensure access for women to safe abortion and post-abortion care and services.[77]

5. Right to education[78]

47. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that New Zealand had adopted new legal measures in the field of education since the previous cycle of the universal periodic review. Among these, the Education (Update) Amendment Act 2017 had set objectives and priorities in the area of education.[79] However, the provision of at least one year of free and compulsory pre-primary education remained absent. In this respect, UNESCO indicated that New Zealand should be encouraged to add provisions of at least one year of free and compulsory quality pre-primary education into its legal framework in line with its commitments under Sustainable Development Goal 4.[80]

48. The Committee on the Rights of Persons with Disabilities was concerned at reports indicating that children with disabilities experienced bullying in schools, and noted that there was no enforceable right to inclusive education. It recommended that further work be undertaken to increase the provision of reasonable accommodation and encouraged the implementation of anti-bullying programmes.[81]

49. Despite the efforts made by New Zealand, the Committee on Economic, Social and Cultural Rights was concerned about the persistence of disparities in the enjoyment of the right to education, whereby Maori and Pasifika students, notably at the secondary school and university levels, achieved lower outcomes than those of European background. The Committee was particularly concerned at the limited availability of Maori, or Maori-speaking, teachers, which limited access to education in the Maori language even further.[82]

50. UNESCO indicated that New Zealand should be encouraged to ensure that all children from all ethnic groups were provided with quality education in line with the Government's commitments. In that process, New Zealand should be strongly encouraged to introduce a government-wide strategy to ensure that the nature and impact of unconscious bias was understood by governance bodies and employees at all levels.[83]

51. UNESCO indicated that New Zealand should be strongly encouraged to harmonize its domestic legislation relating to the rights of persons with disabilities, including in regard to inclusive education, and bring it into line with international standards.[84]

D. Rights of specific persons or groups

1. Women[85]

52. The Committee on the Elimination of Discrimination against Women remained concerned about the alarmingly high level of gender-based violence against women, as well as the very low levels of reporting and the high rate of recidivism, particularly within the Maori community, about the lack of an adequate, culturally sensitive approach, which resulted in cultural and linguistic barriers, about the distrust in public authorities, and about the heightened vulnerability of women with disabilities to violence perpetrated by caregivers.[86] It was also concerned about the absence of a national action plan or

comprehensive strategy for the prevention and elimination of gender-based violence, which was aggravated by the lack of continuity in governmental policies over time.[87]

53. The Human Rights Committee recommended that New Zealand strengthen efforts to combat domestic and all forms of gender-based violence, including sexual violence, particularly in relation to Maori and Pasifika women and girls, as well as women and girls with disabilities. In particular, it recommended that New Zealand ensure that its criminal legislation concerning domestic and gender-based violence, including sexual violence, was enforced effectively across its territory, and that programmes to combat domestic and gender-based violence, including sexual violence, were incorporated into the National Plan of Action for Human Rights.[88] The Committee against Torture recommended guaranteeing in practice that all victims benefited from protection and had access to adequately funded medical and legal aid, psychosocial counselling and social support schemes.[89]

54. The Human Rights Committee remained concerned about the persistent inequalities between women and men, including the unequal representation of women in high-level private and public sector managerial positions.[90] The Committee on the Elimination of Discrimination against Women noted that only 19 per cent of directors of companies listed on the New Zealand Stock Exchange Main Board were women and 56 per cent of businesses had no women in senior roles.[91]

55. The Human Rights Committee recommended that New Zealand develop programmes for the implementation of Sustainable Development Goal 5 to achieve gender equality and empower all women and girls, with particular focus on Maori and Pasifika women and girls, as well as women and girls with disabilities, and that it promote greater women's representation in managerial and leadership positions both in the public and private sectors, including through temporary special measures.[92]

2. Children[93]

56. The Human Rights Committee was concerned about the significant number of children who suffered abuse and neglect, and recommended that New Zealand strengthen its efforts to combat child abuse in all settings, including through the development and implementation of multi-stakeholder, child-friendly early detection and reporting mechanisms.[94]

57. The Committee on the Rights of the Child remained concerned about the difficulties faced by child victims of abuse and neglect in State care in seeking redress, and urged New Zealand to take measures promptly to eradicate the use of violence and abuse of children in State care, including in the form of restraints and detention, to ensure that all professionals and staff working with and for children were provided with the necessary training and supervision and were subjected to the necessary background checks, and to investigate promptly incidents of violence and abuse of children in State care.[95] The Committee on Economic, Social and Cultural Rights recommended that New Zealand effectively investigate claims of abuse of children in State care, and operationalize the Royal Commission of Inquiry into Historical Abuse in State Care and ensure that it was equipped with the resources necessary to discharge its duties efficiently.[96]

58. The Committee on the Elimination of Racial Discrimination raised similar concerns regarding reports of alleged abuse of children in foster care over a period of approximately 40 years, noting the majority were Maori children and that Maori children were still more likely to be placed in government care. It recommended that New Zealand take effective steps to reduce the number of Maori and Pasifika children in State care, including through the policy of "whanau-first" placement for Maori children.[97]

59. While appreciating efforts to preserve Maori identity, the Committee on the Rights of the Child was concerned that those efforts remained insufficient. It recommended that New Zealand ensure that all government agencies developing legislation and policies affecting children took into account the collective dimension of Maori cultural identity and the importance of their extended family (whanau) for Maori children's identity.[98]

3. Persons with disabilities[99]

60. The Committee on Economic, Social and Cultural Rights was concerned that persons with disabilities remained disadvantaged, with their social and economic outcomes remaining far below the outcomes of the general population.[100] The Committee on the Rights of Persons with Disabilities raised similar concerns and noted that children with disabilities were overrepresented in statistics on child poverty and were more likely to be living in one-parent households.[101] It recommended that a review be undertaken of disability-related costs to ensure a sufficient allocation of income/pension, in particular for children with disabilities, and their families.[102]

61. The Committee on Economic, Social and Cultural Rights was concerned that the existing legal provisions did not conform to international standards regarding reasonable accommodation and inclusive education.[103] The Committee on the Rights of Persons with Disabilities noted that the Human Rights Act contained a separate definition of reasonable accommodation but was concerned about its opaqueness. It recommended that, in order to clarify the meaning of reasonable accommodation, New Zealand give consideration to amending the Human Rights Act 1993 to include a definition of reasonable accommodation, in conformity with the definition in the Convention.[104] It also recommended that further work be undertaken to increase the provision of reasonable accommodation in primary and secondary education.[105]

4. Minorities and indigenous peoples[106]

62. The Committee on the Elimination of Racial Discrimination noted that little progress had been made in securing indigenous rights to self-determination under the Treaty of Waitangi or the power-sharing arrangement between hapu and New Zealand required by the Treaty. It was concerned by reports that the Waitangi Tribunal was underresourced, leading to long processing delays. It recommended that New Zealand issue, without delay, a timetable for debating, in partnership with Maori, the recommendations of the Constitutional Advisory Panel regarding the role of the Treaty of Waitangi within its constitutional arrangements, along with the proposals contained in the report of Matike Mai Aotearoa and all stakeholders.[107]

63. While noting steps already taken, the Committee on the Elimination of Racial Discrimination was concerned about the lack of progress in implementing the recommendations contained in the Waitangi Tribunal's 2011 Wai 262 report regarding, among other issues, Maori intellectual and cultural property rights and Maori treasured possessions, including language, culture and knowledge. The same Committee recommended that New Zealand produce and publish a plan with targets and a timetable for implementing the remainder of the recommendations contained in the Wai 262 decision.[108] The Committee on the Rights of the Child recommended that New Zealand intensify efforts to promote and foster Maori language, culture and history in education and increase enrolment in Maori language classes.[109]

64. The Committee on Economic, Social and Cultural Rights was concerned at the limited efforts that had been made to ensure meaningful participation of Maori in decision-making concerning laws that impacted on their rights, including land and water rights. It was also concerned that the principle of free, prior and informed consent was not systematically implemented, in particular in the context of development and extractive activities carried out on territories owned or traditionally used by Maori.[110] It recommended that New Zealand take effective measures to ensure compliance with the requirement of obtaining the free, prior and informed consent of indigenous peoples, notably in the context of extractive and development activities, and that it conduct social, environmental and human rights impact assessments prior to granting licences for extractive and development activities and during operations.[111]

65. The Committee on the Elimination of Racial Discrimination was concerned about the application of the Marine and Coastal Area (Takutai Moana) Act 2011 on Maori land and resource rights, and by reports that New Zealand had not consistently applied the principle of free, prior and informed consent in matters affecting Maori customary marine interests. It reiterated its recommendation that New Zealand review the Marine and Coastal

Area (Takutai Moana) Act 2011 with a view to respecting and protecting the full enjoyment by Maori communities of their rights regarding the land and resources they traditionally owned or used, and their access to places of cultural and traditional significance.[112]

66. The Committee on the Elimination of Racial Discrimination was concerned by reports that New Zealand had granted private companies the right to use freshwater resources located on traditional Maori land despite consistent opposition by local Maori. It urged New Zealand to ensure full respect for the rights of Maori communities to freshwater and geothermal resources, as protected by the Treaty of Waitangi.[113]

5. Migrants, refugees and asylum seekers[114]

67. The Committee on Economic, Social and Cultural Rights was concerned about the working conditions of migrant workers, which were characterized by excessive working hours and non-payment or underpayment of wages. It was also concerned about the significant non-compliance by employers with employment laws, including in industries that employed migrant workers.[115] While noting with interest action taken to prevent exploitation of migrants, the Committee on the Elimination of Racial Discrimination was concerned at reports that migrant workers risked being subjected to labour discrimination and exploitation. It was also concerned about reports of inadequate access to social services, including mental health programmes, housing and employment, for asylum seekers and refugees.[116]

68. The Human Rights Committee was concerned that the immigration legislation of New Zealand allowed for the disclosure of a claimant's information to third parties, including the claimant's country of origin, and that there were differences in treatment between some categories of refugees and those arriving under the refugee quota programme of the Office of the United Nations High Commissioner for Refugees.[117]

69. The Human Rights Committee was concerned that the Immigration Amendment Act 2013 provided for the detention of mass arrivals for an initial period of up to 6 months, renewable every 28 days. The Committee was also concerned that police facilities were used for immigration purposes, and that migrants and asylum seekers were not separated from the rest of the detainee population.[118]

70. The Human Rights Committee recommended that New Zealand ensure that migrants and asylum seekers detained in correctional and police facilities were separated from the rest of the detainee population.[119] The Committee against Torture recommended that New Zealand adopt the measures necessary to ensure that detention was applied only as a measure of last resort, when determined to be strictly necessary, in a manner proportionate to each individual case and for as short a period as possible, and ensure that stateless persons whose asylum claims had been refused and refugees with adverse security or character assessments were not held in detention indefinitely.[120]

71. The Committee on the Rights of the Child recommended that New Zealand strengthen its efforts to promote the integration of and access to services by asylum-seeking and refugee children, paying particular attention to those with disabilities.[121]

Notes

1 Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for New Zealand will be available at www.ohchr.org/EN/Countries/AsiaRegion/Pages/NZIndex.aspx.

2 For relevant recommendations, see A/HRC/26/3, paras. 128.1–128.28, 128.46–128.47, 128.101–128.102, 128.104 and 128.146.

3 E/C.12/NZL/CO/4, para. 52; CERD/C/NZL/CO/21-22, para. 39; CRC/C/NZL/CO/5, para. 49; and CAT/C/NZL/CO/6, para. 22.

4 E/C.12/NZL/CO/4, para. 52.

5 Ibid., para. 51.

6 CRC/C/NZL/CO/5, para. 48.

7 CERD/C/NZL/CO/21-22, para. 39; and E/C.12/NZL/CO/4, para. 9.

8 CRC/C/NZL/CO/5, para. 5.

[9] CAT/C/NZL/CO/6, para. 20.
[10] OHCHR, "Funding", in *OHCHR Report 2017*, pp. 79, 83, 85 and 90; *OHCHR Report 2016*, pp. 78–79, 83, 85 and 90; *OHCHR Report 2015*, pp. 61, 65 and 67; and *OHCHR Report 2014*, pp. 63, 67 and 69.
[11] For relevant recommendations, see A/HRC/26/3, paras. 128.27–128.36 and 128.42–128.47.
[12] E/C.12/NZL/CO/4, para. 5.
[13] Ibid., paras. 5–6.
[14] CCPR/C/NZL/CO/6, para. 10 (c).
[15] A/HRC/30/36/Add.2, paras. 12–13.
[16] E/C.12/NZL/CO/4, para. 9.
[17] CEDAW/C/NZL/CO/8, para. 19.
[18] CAT/C/NZL/CO/6, para. 10.
[19] CRC/C/NZL/CO/5, para. 11.
[20] For relevant recommendations, see A/HRC/26/3, paras. 128.62, 128.68–128.81 and 128.147–128.151.
[21] CCPR/C/NZL/CO/6, para. 19.
[22] CERD/C/NZL/CO/21-22, para. 11.
[23] Ibid., paras. 6–7.
[24] CEDAW/C/NZL/CO/8, para. 11.
[25] CRC/C/NZL/CO/5, para. 15.
[26] For relevant recommendations, see A/HRC/26/3, paras. 128.48–128.53.
[27] E/C.12/NZL/CO/4, paras. 16–17. See also CRC/C/NZL/CO/5, para. 13.
[28] CRC/C/NZL/CO/5, para. 34.
[29] E/C.12/NZL/CO/4, paras. 39–40.
[30] For the relevant recommendation, see A/HRC/26/3, para. 128.155.
[31] CCPR/C/NZL/CO/6, paras. 13–14.
[32] For relevant recommendations, see A/HRC/26/3, paras. 128.82–128.84 and 128.132.
[33] CCPR/C/NZL/CO/6, paras. 33–34. See also CAT/C/NZL/CO/6, para. 17.
[34] CAT/C/NZL/CO/6, para. 13. See also CAT/OP/NZL/1, para. 32.
[35] CAT/C/NZL/CO/6, para. 15.
[36] CRPD/C/NZL/CO/1, para. 32.
[37] See www.ilo.ch/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3276844:N.
[38] CAT/C/NZL/CO/6, para. 13. See also CAT/OP/NZL/1, para. 13.
[39] For relevant recommendations, see A/HRC/26/3, paras. 128.56, 128.64, 128.81–128.84 and 128.133.
[40] CEDAW/C/NZL/CO/8, paras. 13–14.
[41] Ibid., paras. 47–48.
[42] A/HRC/30/36/Add.2, p. 2. See also CAT/C/NZL/CO/6, para. 14.
[43] CERD/C/NZL/CO/21-22, paras. 24–25.
[44] CCPR/C/NZL/CO/6, para. 26.
[45] CAT/C/NZL/CO/6, para. 16.
[46] CAT/OP/NZL/1, paras. 53–54.
[47] For the relevant recommendation, see A/HRC/26/3, para. 128.145.
[48] CCPR/C/NZL/CO/6, paras. 47–48.
[49] E/C.12/NZL/CO/4, paras. 21–22.
[50] For the relevant recommendation, see A/HRC/26/3, para. 128.131.
[51] CAT/C/NZL/CO/6, para. 12. See also CCPR/C/NZL/CO/6, paras. 39–40.
[52] Ibid.
[53] CEDAW/C/NZL/CO/8, para. 28.
[54] CRC/C/OPSC/NZL/CO/1, para. 9.
[55] Ibid., para. 7.
[56] For relevant recommendations, see A/HRC/26/3, paras. 128.34 and 128.154.
[57] CCPR/C/NZL/CO/6, paras. 15–16.
[58] For relevant recommendations, see A/HRC/26/3, paras. 128.36, 128.39, 128.69 and 128.95–128.99.
[59] E/C.12/NZL/CO/4, paras. 23–24.
[60] Ibid.
[61] Ibid., paras. 25–26.
[62] Ibid., para. 30.
[63] CEDAW/C/NZL/CO/8, para. 33.
[64] See www.ilo.ch/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3343054:NO.
[65] CEDAW/C/NZL/CO/8, para. 34.
[66] CRC/C/NZL/CO/5, para. 44.
[67] For relevant recommendations, see A/HRC/26/3, paras. 128.61 and 128.138.
[68] E/C.12/NZL/CO/4, para. 35.

[69] For relevant recommendations, see A/HRC/26/3, paras. 128.51–128.53, 128.55, 128.57–128.63, 128.66–128.67, 128.70 and 128.135.
[70] E/C.12/NZL/CO/4, para. 37.
[71] CRC/C/NZL/CO/5, para. 35.
[72] E/C.12/NZL/CO/4, paras. 39–40.
[73] Ibid., paras. 42–43.
[74] For relevant recommendations, see A/HRC/26/3, paras. 128.64, 128.69 and 128.136–128.137.
[75] E/C.12/NZL/CO/4, para. 44.
[76] CERD/C/NZL/CO/21-22, paras. 26–28.
[77] CEDAW/C/NZL/CO/8, paras. 39–40.
[78] For relevant recommendations, see A/HRC/26/3, paras. 128.36, 128.64, 128.69, 128.139–128.141 and 128.143.
[79] UNESCO submission for the universal periodic review of New Zealand, para. 11.
[80] Ibid., para. 12.
[81] CRPD/C/NZL/CO/1, paras. 49–50.
[82] E/C.12/NZL/CO/4, para. 48.
[83] UNESCO submission, para. 16.
[84] Ibid., para. 18.
[85] For relevant recommendations, see A/HRC/26/3, paras. 128.39, 128.69–128.70, 128.91–128.99, 128.106–128.112, 128.114–128.122, 128.125–128.127 and 128.129–128.130.
[86] CEDAW/C/NZL/CO/8, para. 25.
[87] Ibid.
[88] CCPR/C/NZL/CO/6, para. 30. See also E/C.12/NZL/CO/4, paras. 12–13.
[89] CAT/C/NZL/CO/6, para. 11.
[90] CCPR/C/NZL/CO/6, para. 17.
[91] CEDAW/C/NZL/CO/8, para. 29.
[92] CCPR/C/NZL/CO/6, para. 18.
[93] For relevant recommendations, see A/HRC/26/3, paras. 128.44, 128.54–128.64, 128.66–128.67, 128.69–128.70, 128.106–128.109, 128.111–128.115, 128.122–128.124, 128.128–128.130, 128.138 and 128.143.
[94] CCPR/C/NZL/CO/6, paras. 31–32.
[95] CRC/C/NZL/CO/5, paras. 22–23.
[96] E/C.12/NZL/CO/4, para. 13.
[97] CERD/C/NZL/CO/21-22, paras. 33–34.
[98] CRC/C/NZL/CO/5, para. 19.
[99] For relevant recommendations, see A/HRC/26/3, paras. 128.52, 128.67, 128.95, 128.105 and 128.136.
[100] E/C.12/NZL/CO/4, para. 19.
[101] CRPD/C/NZL/CO/1, para. 59.
[102] Ibid., para. 60.
[103] E/C.12/NZL/CO/4, para. 19.
[104] CRPD/C/NZL/CO/1, paras. 11–12.
[105] Ibid., paras. 49–50.
[106] For relevant recommendations, see A/HRC/26/3, paras. 128.36–128.38, 128.63–128.67, 128.69, 128.73–128.90, 128.95, 128.101, 128.126–128.127, 128.137 and 128.143–128.144.
[107] CERD/C/NZL/CO/21-22, paras. 12–13.
[108] Ibid., paras. 16–17.
[109] CRC/C/NZL/CO/5, para. 19.
[110] E/C.12/NZL/CO/4, para. 8.
[111] Ibid., para. 9.
[112] CERD/C/NZL/CO/21-22, paras. 20–21. See also CCPR/C/NZL/CO/6, para. 44.
[113] CERD/C/NZL/CO/21-22, paras. 22–23.
[114] For relevant recommendations see A/HRC/26/3, paras. 128.69, 128.101 and 128.146–128.154.
[115] E/C.12/NZL/CO/4, para. 27.
[116] CERD/C/NZL/CO/21-22, para. 31.
[117] CCPR/C/NZL/CO/6, para. 35.
[118] Ibid., para. 37.
[119] Ibid., para. 38.
[120] CAT/C/NZL/CO/6, para. 18.
[121] CRC/C/NZL/CO/5, para. 40.

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Summary of Stakeholders' submissions on New Zealand*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 40 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. The New Zealand Human Rights Commission (NZHRC) stated that this UPR cycle fell within the beginning stages of an extensive reform agenda introduced by the new Labour-led Government elected in October 2017.[2] Despite some progress, significant human rights challenges remained and, in particular, entrenched socio-economic inequalities were proving difficult to address.[3]

3. NZHRC indicated that New Zealand did not have a written constitution and its charter of human rights was set out in the New Zealand Bill of Rights Act 1990 (BORA), an ordinary statute that could be repealed by a simple parliamentary majority.[4]

4. The Human Rights Act 1993 (HRA) established the role and functions of the New Zealand Human Rights Commission and the country's anti-discrimination legal framework, including the functions and procedure of the Human Rights Review Tribunal (HRRT).[5]

5. The 2013 Constitutional Advisory Panel, the Commission and the last UPR had issued recommendations that the BORA be amended to include the right to privacy, property rights, and economic, social and cultural rights.[6]

6. Following a landmark court case, the Cabinet had agreed in principle to allow the Courts to make a declaration of inconsistency if they believed that legislation was inconsistent with the BORA.[7]

7. There was considerable concern regarding the delay of proceedings in the HRRT due to, inter alia, its growing workload and limited resources.[8]

* The present document was not edited before being sent to United Nations translation services.

8. Despite its constitutional importance, the Government had yet to take concrete steps to consider the Treaty of Waitangi's (the Treaty), place in New Zealand's unwritten constitution, despite recommendations to do so in the 2013 Constitutional Advisory Panel Report.[9]

9. While the Government had officially endorsed the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), a plan of action for its implementation had not yet been developed, despite international commitments to do so.[10]

10. Successive governments had acknowledged that Crown breaches of the Treaty caused Māori to suffer social, cultural and economic losses leading to wide social and economic disparities.[11] Pasifika people experienced similar levels of socio-economic disparity and disadvantage and had the lowest rates of median income, and high rates of exclusion from employment, education or training.[12]

11. Concerning accepted recommendations to combat domestic violence,[13] including the development of a national strategy,[14] NZHRC indicated that though the Government had embarked on considerable work to combat violence and abuse against women, a national strategy had not yet been developed.[15]

12. Concerning an accepted recommendation to eliminate the gender pay gap and increase women's participation in governance[16], while noting action taken and progress achieved, NZHRC remained concerned that women were still significantly under-represented in senior leadership positions in the public sector and in private businesses, with most businesses having no women in senior roles at all.[17]

13. NZHRC noted that women did not have the right to an abortion on request and that every abortion procedure must be authorised by two separate certifying medical consultants to confirm that the Crimes Act requirements had been met. The Government had proposed changing this approach and had requested that the Law Commission review the current legislation.[18]

14. Concerning accepted recommendations on child poverty[19] the Commission noted that the number of children who experienced poverty and material deprivation remained stubbornly high. It welcomed the new Government's designation of child poverty as a policy priority, including its introduction of the Child Poverty Reduction Bill.[20]

15. While noting initiatives by the Office of Disability Issues, the Commission indicated that the legislative framework did not consistently reflect obligations under CRPD. For example, family violence legislation failed to adequately protect disabled people experiencing abuse in all home-care/live in support situations.[21]

16. NZHRC remained concerned at outcomes arising from the minimum wage exemption system that could be applied to workers who were significantly and demonstrably limited by a disability. In 2016, the Government had begun work on reform, under the Disability Action Plan, to review this wage exemption but it appeared that this work had stalled.[22]

17. NZHRC also noted that the Human Rights Act did not explicitly include "gender identity, gender expression, and sex characteristics" under its definition of "sex discrimination."[23]

18. NZHRC was concerned that the Immigration Act prevented the Human Rights Commission from receiving complaints about immigration decisions.[24] While noting that the Government had increased both its refugee quota commitments and funding of refugee services in recent years, it was also concerned with the difficulties asylum claimants had in accessing social services.[25]

III. Information provided by other stakeholders

A. Scope of international obligations[26] and cooperation with international human rights mechanisms and bodies[27]

19. Several submissions encouraged New Zealand to become a party to ICRMW; ICPPED; OP-ICESCR and OP-CRC; ILO Convention on Freedom of Association and

Protection of the Right to Organise, 1948 (No.87); the ILO Minimum Age Convention, 1973 (No. 138)[28], and the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169); and withdraw its reservations to Article 8 of the ICCPR and Article 22 of the ICESCR[29]; and consider withdrawing its reservation to CRC relating to minimum age for entering employment.[30]

20. ICAN recommended that New Zealand ratify Treaty on the Prohibition of Nuclear Weapons as a matter of international urgency.[31]

B. National human rights framework[32]

21. JS13 noted that New Zealand had not yet formally incorporated all economic, social and cultural rights into its domestic legal framework, arguing that these rights were already protected by individual statutes.[33]

22. JS13 noted that Parliament had at times exercised its supremacy to override the BORA, contrary to its international obligations and stated that the BORA should be granted supreme status to over-ride rights-infringing legislation.[34]

23. NZLS stated that in the absence of a supreme bill of rights, it was critical that legislation be subjected to systematic and comprehensive rights scrutiny to forestall breaches of domestic and international human rights standards.[35] The section 7 reporting mechanism requiring the Attorney-General to report to Parliament on any draft legislation that appeared inconsistent with BORA was critical.[36] It was therefore a matter of concern when Parliament enacted legislation despite a negative section 7 report.[37]

24. AirTrust indicated that New Zealand's ability to protect the human rights of Maori was seriously hampered by its constitutional and legislative framework. There was little protection from violations of the Treaty of Waitangi and human rights arising from Acts of Parliament, and government policy and practice.[38] JS13 recalled that New Zealand has received several recommendations to strengthen the constitutional status of the Treaty and recommended that the country review and, where appropriate, implement the recommendations of the Constitutional Review and provide for appropriate constitutional or legislative recognition be given to the Treaty of Waitangi/Te Tiriti o Waitangi.[39]

25. JS13 noted that the Human Rights Review Tribunal was confronted with, among others, a large increase in workload and faced huge delays. It recommended adequately funding the Tribunal to ensure that claims are determined expeditiously.[40]

26. JS14 stated that the National Preventive Mechanisms had not consistently received adequate resources to carry out their OPCAT functions[41] and recommended that the Government increase funding levels to cover the actual costs of the Mechanisms' OPCAT work.[42]

27. CGNK raised the issue of participation of other political entities in the universal periodic review.[43]

28. AI stated that the Government had worked with the Human Rights Commission and civil society to develop the National Plan of Action for the Promotion and Protection of Human Rights. AI indicated that the online tool developed under the Plan had improved the level of transparency to measure levels of progress on UPR recommendations.[44] JS13 stated that the Action Plan had not been adopted by the Government and was not, therefore, a National Plan, and was in reality a monitoring mechanism.[45]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination[46]

29. JS9 indicated that New Zealand should ensure that anti-discrimination legislation included provisions to allow complaints about lack of services being provided to a particular section of the population.[47]

Development, the environment, and business and human rights[48]

30. EC reported on recovery efforts from the Canterbury Earthquake Sequence. EC stated that one of the most serious long-term problems in Christchurch after the earthquakes was land damage[49] and indicated that the Government needed to properly identify and remediate earthquake-induced land damage, or compensate people in a programme of managed retreat.[50]

Human rights and counter-terrorism[51]

31. JS13 recommended that New Zealand: clarify the definition of "terrorist" and repeal section 22 of the Terrorism Suppression Act to ensure that those designated as "terrorists" were able to have that designation reviewed fully by the Courts.[52]

2. Civil and political rights

Right to life, liberty and security of person[53]

32. AI indicated that a 2016 report found a high use of seclusion and restraint in various forms, including solitary confinement, across correction and health facilities. The report showed that ethnic minority groups, in particular Māori, were over-represented in seclusion and segregation units.[54] JS14 was concerned, that less restrictive measures were not always explored and that such measures were not always used for the shortest time possible.[55]

33. Chief Ombudsman reported that there had been an increasing trend in the incidence of serious violence perpetrated by prisoners against both staff and other prisoners.[56]

34. JS14 highlighted the increase in the prison population noting that in 2006 New Zealand's prison population was 7,595 and that towards the end of 2016 the prison population reached 10,000 for the first time, an increase of approximately a third. This increase was impacting prison conditions.[57] CL stated that the prison population was increasing at a time when crime rates were decreasing.[58]

35. Chief Ombudsman reported that inspectors had found that remand prisoners were often detained in unsuitable conditions.[59] They had also observed prisoners being detained for unacceptable periods of time in police cells and remand centres attached to Police stations.[60]

36. AI recommended that New Zealand assess the impact of the growth of the prison population, particularly the remand population, on the human rights of people in detention, in line with SDG Indicator 16.3.2.[61] JS14 recommended the adoption of urgent, adequately resourced measures to sustainably reduce the prison population, particularly for remand and women prisoners.[62]

Administration of justice, including impunity, and the rule of law[63]

37. CL stated that legal aid was hard to access and that even when persons qualified for legal aid, this was granted as a loan to be repaid.[64]

38. DPA stated that there was a great need for accessible legal advice and advocacy to support disabled New Zealanders noting that the country had one dedicated disability legal service to offer support to the community on a national scale.[65]

39. JS5 was concerned that unconscious bias and institutional sexism disadvantaged women in the Family Court and that fathers' access to children was being prioritised over women's legitimate concerns for safety in cases of conflict and domestic violence.[66] JS4 stated that the family court has been accused of gender bias against both men and women.[67] JS6 recommended that New Zealand Government ask the Governor General to urgently establish a Royal Commission of Inquiry into the Family Court.[68]

40. About seven submissions raised concern regarding the over-representation of Māori in the criminal justice system.[69] AI acknowledged the implementation of initiatives seeking to take a preventative approach. However little progress had been made since the last review. Māori remained alarmingly over-represented at all stages of the criminal justice system and this over-representation was particularly stark in the youth justice system.

While the number of youth charged in all the other ethnic groups had decreased, the number of Māori youth charged in 2017 remained similar to the number in 2014.[70]

41. AirTrust stated that Māori women made up 61% of women in prison, and that the numbers of women that were being incarcerated was increasing.[71] JS5 raised similar concerns.[72]

42. JS13 recommended stepping up efforts, in consultation with Māori communities, to address and prevent discrimination against members of the Māori communities in the criminal justice system.[73] JS14 recommended that detaining agencies develop overarching frameworks and strategies to address the needs of Māori in detention, in consultation with Māori and provide adequate resources to implement them.[74] JCNZ recommended adopting legislation requiring that Maori have access to culturally appropriate rehabilitation at all stages of the criminal justice system.[75]

43. AI welcomed the fact that since the last review, New Zealand had raised the age that a juvenile was tried within the adult criminal justice system to 18, including 17 year olds in its youth justice system.[76] JS15 stated that, however, significant problems remained. The age of criminal responsibility (ten years) was low, and for serious crimes such as murder and manslaughter, children as young as ten could face a High Court jury trial and an adult sentence.[77]

44. Four submissions raised concerns regarding young people being held in police cells.[78] JS14 noted that young people (aged under 18 years) were held with adults in detention facilities noting that New Zealand maintained reservations to the relevant international treaties in this regard.[79] Additionally, prison youth units were not restricted to offenders under 18 and some units contained young adult male prisoners aged 18 and 19. Some young men aged 16 to 17 had been held in adult prison units.[80]

45. AI recommended that New Zealand abolish the option in legislation to detain juveniles in police cells with other adults and ensure that the practice was eradicated. 81JS15 recommended that New Zealand address discrepancies in the age of criminal responsibility and sentencing provisions for children charged with serious crimes such as murder or manslaughter.[82]

Fundamental freedoms and the right to participate in public and political life[83]

46. Regarding religious instruction in state primary schools, NZARH noted complaints of discrimination in state schools against children and parents who opted out of religious instruction.84JS2 stated that state schools operated single faith religious instruction without Ministry of Education oversight, or guidelines.[85]

47. JS13 stated that the Government had introduced legislation in 2010 to prohibit prisoners from voting in elections regardless of the seriousness of their offences and recommended that New Zealand amend the law to ensure that restrictions on prisoners' right to vote are reasonable and proportionate.[86]

Right to privacy and family life[87]

48. PI reported that in 2017, New Zealand consolidated four statutes into the Intelligence and Security Act 2017, establishing an overarching authorisation and oversight regime for surveillance activities by its three intelligence agencies.88 The new Act set lower standards for non-New Zealanders, in particular relating to the obtaining an "intelligence warrant" and did not involve a judicial authority.[89] AccessNow noted that, inter alia, the new Security Act allowed for "purpose-based" warrants that would not need to be tied to any particular person or organization, which would fail to meet a standard of clarity and precision sufficient to ensure that individuals can foresee its application.[90]

49. PI indicated that New Zealand was openly part of the "Five Eyes" signals intelligence-sharing alliance and stated that there was an inability to control how information that was shared was used.[91] AccessNow raised similar concerns.[92]

3. Economic, social and cultural rights

Right to work and to just and favourable conditions of work[93]

50. JS17 stated that since its last review, New Zealand had made regressive policy moves. The Employment Relations Amendment Act 2014 breached ILO Convention 98, including by the effective removal of the right to strike in support of multi-employer bargaining; and by placing unnecessary obstacles to and disproportionate deductions for taking strike action.[94] JS11 raised similar concerns and stated that changes in employment relationships contributed to the poor wage growth.[95] JS17 indicated that with the election of the Labour-led Coalition Government, the Government had introduced legislation to overturn the majority of the regressive measures with respect to the right to collectively bargain and some of the measures with respect to the right to strike.[96]

51. JS11 indicated that there was a need for continual lifting of the minimum wage [97] and recommended the implementation of living wage mechanisms and progressing pay equity claims and settlements to achieve greater income equality.[98]

52. JS11 stated that Māori faced glaring inequality in the labour market and workforce. One reported factor in this inequality was that of the working Māori population, one third had no qualifications and over half were employed in lower-skilled jobs.[99] JS17 recalled concerns that Māori education and health workers employed by Māori and iwi (tribal) organisations received unequal pay for work of equal value as a result of discriminatory government funding arrangements.[100]

53. DPA stated that disabled people were overrepresented in unemployment figures, with latest figures showing disabled people were almost twice as likely to be unemployed as non-disabled people.[101] IMM recommended that the Government continue to collect disaggregated data relating to disability and employment and adopt meaningful strategies and programmes to address poor employment outcomes for disabled people.[102]

54. JS18 stated that Minimum Wage Exemption Permits enabled employers to pay a disabled employee less than the minimum wage in certain circumstances.[103] JS11 and JS5 raised similar concerns.[104]

55. JS11 noted there was no minimum age for children in employment under age 16 and stated that because of their vulnerability and their weakened bargaining power, there was a need to ensure youth were well protected in employment relationships.[105]

56. JS5 indicated that the gender pay gap had dropped to 9% in 2017. However, it was more pronounced for Māori and Pasifika women and varied depending on age. Women remained concentrated in lower paid occupations, such as caring, teaching, administration, and retail, which continued to be undervalued and poorly remunerated.[106] JS12 strongly encouraged the drafting and implementation of Pay Equity Legislation.[107]

Right to social security[108]

57. JS11 stated that benefit levels were inadequate to provide a reasonable standard of living and participation in society[109] and recommended that these be increased to a level sufficient to ensure people do not live in poverty.[110]

58. JS17 reported that in 2012-2013, the Government had significantly reformed the social security system and introduced sanctions for non-compliance with new punitive requirements to access welfare.[111] JS17 supported the announcement of the newly elected Labour Government to remove excessive sanctions but had been disappointed with the limited actions taken to achieve this outcome.[112]

59. JS17 noted that migrants on temporary visas or permits were ineligible for social security benefits. This included temporary migrant workers and their families.[113]

Right to an adequate standard of living[114]

60. OCC indicated that while New Zealand had generally done well in enabling economic and social participation of its people, income inequality and poverty had increased.[115]

61. About five submissions raised the issue of child poverty.[116] JS11 indicated that the pattern of generally low incomes and high levels of inequality had produced high rates of child poverty.[117] OCC reported that the number of children who experienced poverty and material deprivation remained persistently high. The latest data revealed that 27% of all children and young people lived in households with low incomes and 7% of children lived in severe poverty.[118] JS7 raised similar concerns.[119]

62. JS15 indicated that children with disabilities and Māori and Pasifika children were disproportionately over-represented in low-income households. Households with disabled children were 43% more likely to experience income poverty. Food security concerns were most frequently experienced by Pasifika and Māori young people.[120] IMM recommended that the Government collect data that would assist in the identification of the root causes of over-representation of disabled Māori and Pasifika in poor socio-economic outcomes and support the targeted delivery of programs and initiatives aimed at addressing those disparities.[121]

63. JS11 stated that the Child Reduction Poverty Bill contained an agreed suite of measures, and a regular system for measuring and reporting on child poverty.[122] OCC recommended prioritising the enactment of legislation to reduce child poverty and advance child wellbeing, aligned with CRC, the Treaty of Waitangi, and the SDGs.[123]

64. JS13 stated that the principal barrier to the right to quality housing was the high price of housing and rents compared to wages and noted reports that New Zealand had one of the widest gaps between prices and incomes.[124] OCC recommended that New Zealand develop and implement a national housing strategy that prioritised the rights of children and was linked to SDG target 11.1.[125]

65. RWNZ indicated that inaccessibility of rural communities to the same resources as urban counterparts, as well as geographic isolation, were reoccurring issues in relation to: action on violence against women, migrant workers, victim support services, rural health, economic equality, rights for disabled persons, and issues related to the older generation.126 JS3 raised related concerns regarding Southland noting the centralisation of social services had caused disenfranchisement of many country folk, particularly in areas of health education and housing.[127]

66. JS13 recommended that New Zealand address, as a matter of urgency, issues concerning the availability, affordability, quality and safety of water and due recognition of Māori water rights.[128]

67. JS15 reported that 2016 outbreak of gastroenteritis from drinking water in Havelock North affected 5,500 of the 14,000 residents raising serious concerns about drinking water safety.[129]

Right to health[130]

68. JS15 reported that between 2002 and 2016, there were 1,758 deaths due to suicide, making it the leading cause of death in adolescents and recommended that New Zealand prioritise efforts to address and prevent youth suicide.[131] OCC noted that suicide rate of Māori young people was 2.8 times higher than that of non-Māori youth.[132] JS5 stated suicide rates among the LGBTI+ population was significantly higher than the broader population and yet the Government's draft strategy to prevent suicide did not specifically address risk factors for this population.[133]

69. JS18 stated that significant gaps remained in health outcomes, with Māori and Pasifika communities, persons with disabilities and socio-economically disadvantaged groups generally experiencing worse health outcome. than other groups.[134]

70. DPA highlighted that disabled people faced barriers to accessing adequate healthcare, mental health support and sexual or family violence services. These barriers included lack of access to appropriate information in accessible formats.[135]

71. JS4 noted that men had worse health outcomes than women and indicated that while men tended to exhibit unhealthier behaviours and take up riskier occupations, these were factors that should be addressed as they were with other health inequities.[136]

72. JS16 recommended that the Government develop standards to improve access to, and the competency of health services delivered for Rainbow communities.[137]

73. ITANZ recommended that New Zealand immediately stop all non-consensual procedures which are not necessary for the preservation of life on intersex children.[138]

74. JS8 stated that there was a fragmented approach to sexuality education by the Government.[139] JS8 noted that high adolescent birth rate and that rates of sexually transmitted infections were high among young people and Māori. 140 JS8 recommended that New Zealand develop a strategic and integrated approach to sexuality and relationships education at the national level.[141]

75. JS5 stated that abortion should be decriminalised and as available as any other recognised health service.[142] JS12 made a similar recommendation.[143]

76. ADF International was concerned with the "End of Life Choice Bill", which had passed its first hearing in 2017.[144]

Right to education[145]

77. JS15 indicated that rates of bullying were high compared with other countries. Each school had its own processes for responding to bullying, which allowed for responses suited to particular school communities but could also result in inconsistency.[146] JS16 recommended that New Zealand develop comprehensive anti-bullying policies to address bullying based on someone's sexual orientation, gender identity, gender expression or sex characteristics.[147]

78. DPA stated that despite an enforceable right to education many disabled people still found it difficult or impossible to access compulsory education.[148] This had implications for their ability to access higher education or meaningful employment.[149]

79. JS18 recommended that New Zealand commit to reviewing without delay all education legislative and policy settings to ensure that schools provided accessible inclusive education for all students.[150]

80. JS4 stated that boys and men were behind at all levels of education. Historically, boys had an advantage in education; however girls started performing better than boys as early as 1985.[151]

4. Rights of specific persons or groups

Women[152]

81. JS5 noted that women's leadership participation in the private sector had made very modest gains and the low percentage of female directors of the top 100 companies by market capitalisation listed on the New Zealand Stock Exchange.[153]

82. Regarding recommendations related to combatting violence against women[154], AI acknowledged a number of initiatives at the policy, institutional and legislative levels, including the reform of domestic violence legislation in 2017.[155] JS5 indicated that violence against women remained a major concern and noted that responding to family violence accounted for 41 percent of police time.[156] Māori women were over-represented in domestic violence statistics.[157] Sexual violence remained chronically under-reported with only an estimated 9% of incidents of sexual abuse reported to police, and conviction rates low.[158] JS12 also noted that disabled women are up to three times more likely to be victims of sexual and physical abuse.[159] AI noted that as of 2018 it was difficult to paint an accurate and up-to-date picture of gender-based violence due to a variety of factors, including lack of data, significant under-reporting, and changes to how police collected data.[160]

83. JS9 recommended that New Zealand commit to funding plans for the specialist violence sector (domestic and sexual violence) that were sufficient to provide all existing services without the use of volunteers.[161] AI recommended that New Zealand develop a cross-party strategy on family and sexual violence to be adhered to by all political parties and implemented by successive governments.[162]

84. JS5 stated that more needed to be done to support women from ethnic and migrant communities against practices such as forced marriage, female genital mutilation and honour-based violence.[163]

Children[164]

85. JS15 indicated that since 2013, there had been increased focus on children, particularly those considered at risk of abuse, offending or in poverty.[165] Inequalities and discrimination remained significant issues, particularly for Māori children, Pasifika children and children with disabilities.[166] JS15 recommended that New Zealand ensure the Child Wellbeing Strategy was based on children's rights and Te Tiriti o Waitangi (Treaty of Waitangi), and developed in close cooperation with children, their whānau, hapu and iwi, families and communities.[167]

86. JS15 stated that a high and increasing number of children were deprived of care in their own family. It noted that a disproportionate number were Māori, highlighting that more than half of the babies taken from their mothers in 2017 were Māori.[168] JS15 recommended that New Zealand provide effective and culturally-appropriate support services to families, in particular whānau Māori.[169] JS9 recommended that New Zealand reduce the number of tamariki Māori (Maori children) taken into state care by supporting whānau (family) earlier.[170]

87. JS15 noted that the Historical Abuse in State Care Royal Commission excluded abuse within religious institutions, unless the State had transferred responsibility of children to the religious institution, and that children currently in State care needed immediate protection.[171] CL was concerned that the timeframe of the Inquiry, which only covered abuse suffered by those in care between 1 January 1950 and 31 December 1999 was arbitrary.[172]

88. JS15 recommended that New Zealand begin to eradicate the use of violence and abuse in State care immediately, including the use of restraints and detention[173]; and ensure that every child in State care can make complaints which are addressed.[174]

89. JS7 was concerned that there continued to be a lack of a comprehensive system for collecting disaggregated data on areas covered by the OP-CRC-SC, in particular the sale of children and exploitation of children in prostitution. This seriously hindered the possibility to adopt effective strategies and the ability to monitor them.[175]

Persons with disabilities[176]

90. JS18 recalled that New Zealand had accepted 7 recommendations relating to disabilities during the previous UPR and had committed to 17 actions to address them.[177] JS18 indicated while there had been progress with gathering disability related data, gaps remained.[178] IMM stated that gaps occurred across all priority issues for disabled people and were compounded by the lack of a commonly accepted definition of 'disability' by public and private interests.[179]

91. DPA stated that the Disabled Persons Community Welfare Act 1975 had largely been repealed over time, leading to inconsistent standards of accessibility.[180] JS18 indicated that disabled people continued to report major areas of continued non-accessibility and uneven compliance with voluntary accessibility standards.[181]

92. DPA stated that it was urgent that the Government commit to working with people with learning disabilities and their representative organisations to move towards the implementation of Supported Decision making practices and away from the practice of Welfare Guardianship.[182]

Minorities and indigenous peoples[183]

93. AIMM indicated that there was still no overarching plan or strategy for the implementation of the UNDRIP, which meant that there were major gaps in relation to the key rights of self-determination and participation.[184]

94. AirTrust noted that treaty settlements policy and processes were determined wholly by the government.[185] AIMM recommended that New Zealand reach an agreement with the Māori on a fairer process for the settlement of Treaty claims that complied with international human rights standards.[186]

95. AIMM stated that for Māori, meaningful participation in decision-making was not a reality. Consultation and engagement did not reflect the obligations of Te Tiriti or the standards of the UNDRIP of free, prior and informed consent.[187]

96. WEGC noted complaints about the action of corporations and threats to and destruction of the environment.188 JS10 stated that the Exclusive Economic Zone Act breached mana whenua's (indigenous people with territorial rights) human rights, particularly on consultation and free prior and informed consent; the lack of effective impact assessments and benefit sharing. JS10 was particularly concerned regarding marine consent obtained by a company to extract iron sands from the Exclusive Economic Zone. This decision was awaiting the result of and appeal to the High Court.[189]

97. SSIGGNZ raised the issue of denial of citizenship of persons from Samoa born between 1924 and 1948 under the Citizenship (Western Samoa) Act 1982.[190]

Migrants, refugees and asylum seekers[191]

98. JS17 reported on continued concerns with exploitation of migrant workers. The Government had signalled its support for action to eliminate labour exploitation, including by increasing resources and staffing for the Labour Inspectorate. However, further action was needed, including reviewing immigration policies and regulations to remove barriers for migrant workers reporting abuses of their rights.[192]

99. JS16 recommended amending the Immigration Act 2009, to extend the mandate of the Human Rights Commission so that it could receive complaints of human rights violations related to immigration laws, policies and practices.[193]

100. JS13 stated that the Immigration (Mass Arrivals) Amendment Act 2013 made radical changes in the name of "enhancing New Zealand's ability to deter people-smuggling to New Zealand. The Act established a definition of 'mass arrival group of 30 people' and imposed upon this group mandatory detention, a restriction on judicial review and a limitation on family reunification rights.[194] NZLS stated that it considered the Act to be inconsistent with the Bill of Rights.[195]

101. AI remained concerned about breaches of the rights of persons seeking asylum, including the detention of some asylum-seekers alongside the wider remand detainee population, their security and well-being, and the length of time in detention.[196]

102. JS13 stated that in 2013 New Zealand made and arrangement with a third country whereby it would resettle 150 refugees per year but that the arrangement denied asylum seekers the right to claim protection in the country.[197]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org: (One asterisk denotes a national human rights institution with "A" status).

Civil society

Individual submissions:

AI	Amnesty International, London, United Kingdom;
AccessNow	Access Now, New York, United States of America;
ADF International	ADF International, Geneva, Switzerland;
AIR Trust	Aotearoa Indigenous Rights Trust, Gisborne, New Zealand;
AIMM	Aotearoa Independent Monitoring Mechanism, Auckland, New Zealand;
CGNK	Center for Global Nonkilling, Honolulu, United States of America;

Chief Ombudsman	Chief Ombudsman New Zealand, Wellington, New Zealand;
CL	Cooper Legal, Wellington, New Zealand;
DPA	Disabled Persons Assembly NZ, Wellington, New Zealand;
EC	Empowered Christchurch Incorporated,Christchurch, New Zealand;
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva, Switzerland;
IMM	Independent Monitoring Mechanism under the Convention on the Rights of Persons with Disabilities, Wellington, New Zealand;
ITANZ	Intersex Trust of New Zealand, Wairarapa, New Zealand;
JCNZ	Just Community, Auckland, New Zealand;
NZARH	New Zealand Association of Rationalists and Humanists, Auckland, New Zealand;
NZLS	New Zealand Law Society, Wellington, New Zealand;
OCC	Office of the Children's Commissioner, Wellington, New Zealand;
PI	Privacy International, London, United Kingdom;
RWNZ	Rural Women New Zealand, Wellington, New Zealand;
SSIGGNZ	Samoa Solidarity International Group Global New Zealand, Auckland, New Zealand;
WEGC	Waitaha Executive Grandmothers Council, Auckland, New Zealand;

Joint submissions:

JS1	**Joint submission 1 submitted by**: Organization for Defending Victim of Violence, Tehran, Iran (Islamic Republic of), and Pouya Institute for Communications and Social Development (PICSD);
JS2	**Joint submission 2 submitted by**: Secular Education Network, Auckland, New Zealand, and the Humanist Society of New Zealand, Wellington, New Zealand;
JS3	**Joint submission 3 submitted by**: Southland Interagency Forum Incorporated, Invercargill, New Zealand, Welcoming Newcomers, Able – Southern Family Support, Methodist Mission, Learning Differences Aotearoa, Habitat for Humanity Invercargill, Salvation Army, Family Violence Network, Programme for Assertive Community Treatment (PACT), National Council of Women Southland Branch, Number 10 Youth One Stop Shop, Access Ability Charitable Trust, Age Concern, Arts Murihiku, Autism NZ Inc Southland Branch, Balance Wellness Centre - Seventh Day Adventist, Barnardos, Cancer Society, Citizens Advice Bureau - Invercargill and District, Community Trust of Southland, Community Worker – Otautau, Community Worker – Northern Southland, Community House – Riverton, Community Worker – Takitimu, Community Worker – Tuatapere, Community Worker- Winton, CCS Disability Action, Department of Internal Affairs, Disabilities Resource Centre, English Language Partners, Family Works Southland – Presbyterian Support Southland, Fiordland Community House, Community Networking Trust (Eastern Southland), Jubilee Budget Advisory Service, McGlynn Homes, New Zealand Red Cross – Southland Branch, Nga Kete Matauranga Pounumau TRUST, Parent to Parent Southland, Pregnancy Help, Public Health South, Rape & Abuse Support Centre, South Alive, South Centre Family Support, Southern Adult Literacy, Southern REAP, Southland Community House, Southland Community Law Centre, Southland Rural Women NZ, Sport Southland, Stand for Children, Strengthening Families, Stopping Violence Southland, Venture Southland, YMCA, Youthline Southland;
JS4	**Joint submission 4 submitted by**: Support for Men in New

	Zealand Aotearoa, Christchurch, New Zealand, Canterbury Men's Centre, The Male Room, Wake Up NZ, Black Ribbon NZ, Men's and Boy's Human Rights New Zealand;
JS5	**Joint submission 5 submitted by**: Pacific Women's Watch, Auckland, New Zealand, Māori Women's Welfare League, Shakti Community Council Inc., Disabled Women;
JS6	**Joint submission 6 submitted by**: The Backbone Collective and The Auckland Coalition for the Safety of Women and Children, Auckland, New Zealand;
JS7	**Joint submission 7 submitted by**: ECPAT Internationals, Bangkok, Thailand and ECPAT Child Alert New Zealand, Auckland, New Zealand;
JS8	**Joint submission 8 submitted by**: Action Canada for Sexual Health and Rights, Ottawa, Canada, Te Whāriki Takapou, Family Planning, Sexual Rights Initiative, Geneva, Switzerland;
JS9	**Joint submission 9 submitted by**: Coalition for the Safety of Women and Children, Auckland, New Zealand; Auckland Sexual Abuse HELP, Women's Centre,Backbone Collective, Eastern Women's Refuge, Homework's Trust, Inner City Women's Group, Mental Health Foundation, Mt Albert Psychological Services, North Shore Women's Centre, Rape Prevention Education – Whakatu Mauri, SHINE Safer Homes in NZ Everyday, Supportline Women's Refuge Te Rito Women's Centre Rodney, Women's Health Action Trust;
JS10	**Joint submission 10 submitted by**: Te Runanga o Ngati Ruanui Trust, Hawera, New Zealand, Te Rūnanga o Ngāti Ruanui Trust, Ahitahi Hapū, Araukūku Hapū, Hāmua Hapū, Hāpōtiki Hapū, Ngā Ariki Hapū, Ngāti Hawe Hapū, Rangitāwhi Hapū, Tūwhakachu Hapū Ngāti Tūpaea Hapū Ngāti Hine Hapū Ngāti Kōtuku Hapū Ngāti Ringi Hapū Ngāti Tūpito Hapū Tuatahi Hapū Ngāti Tākou Hapū Ngāti Tānewai Hapū Wharepuni Marae Whakaahurangi Marae Ngātiki Marae Taiporohēnui Marae Meremere Marae Mokoia Marae Ararātā Marae Ngātiki Marae Wai o Turi Marae Meremere Marae Wharepuni Marae Meremere Marae Whenuakura Marae Pariroa Marae Manutahi Marae Ararātā Marae Wai o Turi Marae;
JS11	**Joint submission 11 submitted by**: New Zealand Council of Trade Unions, Wellington, New Zealand, Association of Salaried Medical Specialists (ASMS), Customs Officers Association of New Zealand (COA), FIRST Furniture, Manufacturing & Associated Workers Union, Independent Schools Education Association, Maritime Union of New Zealand (MUNZ), Media Entertainment and Arts Alliance (NZ Actors Equity), Merchant Service Guild, Midwifery Representation and Advisory Services (MERAS), NZ Dairy Workers Union (DWU), New Zealand Educational Institute, Te Riu Roa (NZEI), NZ Meat Workers and Related Trades Union, NZ Merchant Service - Guild Industrial Union of Workers, NZ Nurses Organisation (NZNO), NZ Post Primary Teachers Association Te Wehengarua, NZ Professional Firefighters Union (NZPFU), NZ Professional Footballers Association (NZPFA), NZ Tramways and Public Transport Employees Union, NZ Writers Guild (NZWG), Postal Workers Union of Aotearoa, Public Service Association (PSA), Rail & Maritime Transport Union (RMTU), Tertiary Education Union - Te Hautu Kahurangi o Aotearoa Takitini o Aotearoa (TEU), Tertiary Institutes Allied Staff Association (TIASA), TUIA Union UNITE;
JS12	**Joint submission 12 submitted by**: Women's Health Action Trust, Auckland, New Zealand and Mothers and Midwives

	Associated (MAMA);
JS13	**Joint submission 13 submitted by**: Human Rights Foundation of Aotearoa, Auckland, New Zealand, Action for Children and Youth Aotearoa, Asylum Seekers Support Trust, Auckland Coalition for the Safety of Women and Children (comprising Auckland Sexual Abuse HELP, Auckland Women's Centre, Eastern Women's Refuge, Homeworks Trust, Inner City Women's Group, Mental Health Foundation, Mt Albert Psychological Services, North Shore Women's Centre, Rape Prevention Education Whakatu Mauri, SHINE Safer Homes in New Zealand Everyday, Women's Health Action Trust, Women's Centre Rodney), Auckland Refugee Family Trust, Auckland Resettled Community Coalition, Auckland Regional Migrant Services, Backbone Collective, CAB Language Connect, Child Poverty Action Group, Justspeak, New Zealand Red Cross, Peace Movement Aotearoa, Wage Peace NZ.
JS14	**Joint submission 14 submitted by**: New Zealand's National Preventative Mechanisms under OPCAT Wellington (New Zealand, Independent Police Conduct Authority Children's Commissioner Ombudsman Inspector of Service Penal Establishments New Zealand Human Rights Commission.
JS15	**Joint submission 15 submitted by**: Children's Rights Coalition for UPR 3 Aotearoa Wellington (New Zealand), Action for Children and Youth Aotearoa (ACYA), Child Poverty Action Group (CPAG), Save the Children NZ IHC Barnardos CCS Disability Action Child Matters YouthLaw New Zealand Nurses Organisation Tōpūtanga Tapuhi Kaitiaki o Aotearoa (NZNO) NZEI Te Riu Roa OMEP Aotearoa New Zealand Peace Movement Aotearoa The Public Health Association of New Zealand Royal New Zealand Plunket Trust Safeguarding Children Tiakina ngā tamariki Stand Children's Services Tu Maia Whanau UNICEF New Zealand University of Otago Children's Issues Centre Wesley Community Action;
JS16	**Joint submission 16 submitted by**: Aotearoa New Zealand IDAHOBIT Day Coalition, Gisborne, New Zealand, InsideOUT, Intersex Trust Aotearoa New Zealand (ITANZ), Tīwhanawhana Trust, Adolescent Health Research Group, University of Auckland, Ara Taiohi, Counting Ourselves Research Team, University of Waikato, F'INE, Love Life Fono, Matariki Services Ltd, Mental Health Foundation, New Zealand AIDS Foundation (NZAF), Ngā Whiitiki Whānau Āhuru Mōwai o Aotearoa, Outerspaces, OUTLine, Qtopia, Q Youth, RainbowYOUTH, Rape Crisis Dunedin, re frame, Silver Rainbow, Skylight Trust, The UpRising Charitable Trust, WaQuY (Waikato Queer Youth),
JS17	**Joint submission 17 submitted by**: International Centre for Trade Union Rights, London, United Kingdom; The New Zealand Council of Trade Unions *Te Kauae Kaimahi*, Wellington, New Zealand;
JS18	**Joint submission 18 submitted by**: Joint Submission on Disability Issues, Wellington, New Zealand, Kapo Māori Aotearoa, the Blind Foundation, IHC Advocacy, CCS Disability Action, Coromandel Independent Living Trust, The Supported Life Style Hauraki Trust, Progress to Health, Inclusive NZ, Home and Community Health Association, Inclusive Education Advisory Group, and Parents of Vision Impaired New Zealanders.
National human rights institution:	
NZHRC	New Zealand Human Rights Commission, Wellington, New Zealand.

[2] NZHRC, para.5.
[3] NZHRC, para.1.
[4] NZHRC, para.8.
[5] NZHRC, para.11.
[6] NZHRC, para.8.
[7] NZHRC, para.9.
[8] NZHRC, para.12.
[9] NZHRC, para.16.
[10] NZHRC, para.17.
[11] NZHRC, para.20.
[12] NZHRC, para.22.
[13] UPR Recommendation 106 (Romania), 108 (Switzerland), 109 (United Kingdom), 110 (Chile), 111 (Republic of Congo), 112 (Germany), 114 (Italy) 115 (Namibia), 116 (Greece), 117 (Cyprus), 118 (Slovakia), 119 (Spain), 120 (Czech Republic), 121 (Australia), 122 (Botswana), 123 (Palestine), 127 (Hungary), 130 (Paraguay).
[14] For relevant recommendations see A/HRC/26/3, paragraph 128.107 (France).
[15] NZHRC, para.24.
[16] For relevant recommendations see A/HRC/26/3, paragraphs 128.92 (Australia), 128.96 (France), 128. 97 (Malaysia), 128.98 (Iraq).
[17] NZHRC, para.26.
[18] NZHRC, para.28.
[19] For relevant recommendations see A/HRC/26/3, paragraphs 128.55 (Ukraine), 128.56 (Indonesia), 128.57 (Australia), 128.58 (Cape Verde), 128.59 (Canada), 128.60 (Chile), 128.61 (Malaysia).
[20] NZHRC, paras.29-30.
[21] NZHRC, paras. 33-34.
[22] NZHRC, para. 35.
[23] NZHRC, para. 39.
[24] NZHRC, para. 44.
[25] NZHRC, paras. 45-46.
[26] The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[27] For the relevant recommendations, see A/HRC/26/3, paras.128.1-128.28, 128.46-128.47, 128.101-128.102, 128.104, 128.146.
[28] JS1, para.12, JS11, para.7.8.2, JS13, para.4.
[29] JS17, p.9.
[30] JS11, para. 7.8.2.

[31] ICAN, p.1.
[32] For the relevant recommendations, see A/HRC/26/3, paras. 128.27-128.36, 128.42-128.47.
[33] JS13, para.5.
[34] JS13, para.7.
[35] NZLS para.3.
[36] NZLS, para.6.
[37] NZLS, para.8.
[38] AirTrust, p.1. See also AIMM, paras.6-8, p.3.
[39] JS13, paras.12-14.
[40] JS13, paras. 20-21.
[41] JS14, para.6.
[42] JS14, p.3.
[43] CGNK, p.4.
[44] AI, p.1.
[45] JS13, para.24.
[46] For the relevant recommendations, see A/HRC/26/3, paras. paras. 128.62, 128.68–128.81 and 128.147–128.151.
[47] JS9, p.7.
[48] For the relevant recommendations, see A/HRC/26/3, paras. 128.48-128.53.
[49] EC, p.1.
[50] EC, p.3.
[51] For relevant recommendations see A/HRC/26/3, paras. 128.155.
[52] JS13, para. 48.
[53] For relevant recommendations see A/HRC/26/3, paras. 128.82-128.84, 128.132.
[54] AI, p.6.
[55] JS14, para.23.
[56] Chief Ombudsman, para.5.
[57] JS14, para.31-32. See also AI, p.6, JS13, para.33.
[58] CL, para.31.
[59] Chief Ombudsman, para.9.
[60] Chief Ombudsman, para.15.
[61] AI, p.8. See also IMM paras. 22-27.
[62] JS14, para.33.
[63] For relevant recommendations see A/HRC/26/3, paras. 128.56, 128.64, 128.81-128.84, 128.133.
[64] CL, para. 25.
[65] DPA, p.6.
[66] JS5, para.33. See also JS9, p. 4, JS13, para.68.
[67] JS4, para.51.See also, JS13, para. 69.
[68] JS6, para.11.
[69] AI, pp. 5-6, AirTrust, pp.1-2, JCNZ, pp.1-2, JS5, paras. 31-34, JS9, p.4, JS13, paras. 36-37, JS14, paras. 17-22.
[70] AI, p. 5. See also JS14, para.17.
[71] AirTrust, p.1.
[72] JS5, para.31.
[73] JS13, para.37. See also AI, p.8.
[74] JS14 p.5.
[75] JCNZ, p.1.
[76] AI p.6.
[77] JS15, p.8.
[78] AI p.6. JS13, para.28, JS14, para.29.JS15, p.8.
[79] JS14, para.25.
[80] JS14, para.26.
[81] AI, p.8.
[82] JS15, p.9. See also JS13. para.29.
[83] For relevant recommendations see A/HRC/26/3, paras. 128.145.
[84] NZAHR, p.4.
[85] JS2, para.71.
[86] JS13, paras. 30 and 32.
[87] For relevant recommendations see A/HRC/26/3, paras. 128.34, 128.154.
[88] PI, para.5.
[89] PI, paras.6, 9 and 11.
[90] AccessNow para. 12.

[91] PI, paras. 12 and 29.
[92] AccessNow para. 19.
[93] For relevant recommendations see A/HRC/26/3, paras. 128.36, 128.39, 128.69, 128.95-128.99.
[94] JS17, p. 4.
[95] JS11, paras. 2.1, 2.4-2.5.
[96] JS17, p. 6. See also JS11, para.2.3.
[97] JS11, para. 4.6.
[98] JS11, para. 4.8.2.
[99] JS11, para.5.2.
[100] JS17, p. 7.
[101] DPA, p.5. See also IMM paras. 17-21.
[102] IMM p.6.
[103] JS18, p.10.
[104] JS11, paras. 6.1 and .6.6.1 and J35 paras. 9 and 11.
[105] JS11, paras. 7.1, 7.5-7.6.
[106] JS5, para.8.
[107] JS12, p. 5.
[108] For relevant recommendations see A/HRC/26/3, paras. 128.61, 128.138.
[109] JS11, para. 5.6.
[110] JS11, 5.8.2.
[111] JS17, p.8.See also JS15, p.12.
[112] JS17, p.9.
[113] JS17, p.9.
[114] For relevant recommendations see A/HRC/26/3, paras. 128.51-128.53, 128.55, 128.57-128.63, 128.66128.67, 128.70, 128, 135.
[115] OCC, para.2.
[116] S7, paras.5, 22 and p. 7, JS11, paras. 11.1-11.4, JS13, paras. 72-73, 82-83, JS15, p.13, OCC, paras.16-18.
[117] JS11, para5.1.
[118] OCC, para.16.
[119] JS7, para.5.
[120] JS15, p.13. See also IMM, para.5, OCC, para.17.
[121] IMM, p.3.
[122] JS11, para. 11.4.1. See also OCC, para.18.
[123] OCC, p.5. See also JS13, para. 81.
[124] JS13, paras. 82-83. See also OCC, para.19. JS15, p.13.
[125] OCC, p.5.
[126] RWNZ, p.1.
[127] JS3, p.1.
[128] JS13, para. 94.
[129] JS15, p.13.
[130] For relevant recommendations see A/HRC/26/3, paras. 128.64, 128.69, 128.136-128.137.
[131] JS15, p.7.
[132] OCC, para. 25.
[133] JS5, para.36.
[134] JS18, p.11. See also JS15, p.14, OCC, paras. 23-24.
[135] DPA, p.7.
[136] JS4, para.32.
[137] JS16, para.12.
[138] ITANZ, p.4. See also JS16, para.25.
[139] JS8, para. 11.
[140] JS8, paras. 13 and 15.
[141] JS8, para. 36.
[142] JS5, para.38.
[143] JS12, pp.8-9.
[144] ADF International, para.12.
[145] For relevant recommendations see A/HRC/26/3, paras. 128.36, 128.64, 128.69, 128.139-128.141, 128.143.
[146] JS15, p.7. See also JS7, para. 22, JS16, paras. 27-28.
[147] JS16, para. 32. See also JS5, para.23.
[148] DPA, p.4. See also JS18, p.11, IMM, p.5.
[149] DPA, p.5.

[150] JS18, p.11.
[151] JS3, para.22.
[152] For relevant recommendations see A/HRC/26/3, paras. 128.39, 128.69-128.70, 128.91-128.99, 128.-106-128.112, 128.114-128.122, 128.125-128.127, 128.129-128.130.
[153] JS5, para.14. See also JS12, paras. 3.2.2-3.2.3.
[154] For relevant recommendations see A/HRC/26/3, paragraphs 128.95 (Ireland), 128.106 (Romania), 128.107, (France), 128.108 (Switzerland), 128.109 (United Kingdom of Great Britain and Northern Ireland), 128.110 (Chile), 128.111 (Congo), 128.112 (Germany), 128.114 (Italy), 128.115 (Namibia), 128.116 (Greece), 128.117 (Cyprus), 128.118 (Slovakia), 128.119 (Spain), 128.120 (Czech Republic), 128.121(Australia), 128.122 (Botswana), 128.125 (Republic of Moldova), 128.126 (Iran), 128.127 (Hungary), 128.129 (Italy), 128.130 (Paraguay).
[155] AI, pp.1-2.
[156] JS5, para.21.See also JS9, p.8.
[157] JS5, para.22.
[158] JS5, para.26.
[159] JS12, para.2.1.6.
[160] AI, p.4.
[161] JS9, p.2.
[162] AI, p.8. See also JS13, para.67.
[163] JS5, para.28.
[164] For relevant recommendations see A/HRC/26/3, paras. 128.44, 128.54-128.64, 128.66-128.67, 128.69-128.70, 128.106-128.109, 128.111-128.115, 128.122-128.124, 128.128-128-130, 128.138, 128.143.
[165] JS 15, p. 3.
[166] JS15, p.4.
[167] JS15, p.4
[168] JS15, p.10.
[169] JS15, p.11.
[170] JS9, p. 2.
[171] JS15. P.7.
[172] CL, para.20.
[173] JS15, p.8.
[174] JS15, p.11.
[175] JS7,para.12.
[176] For relevant recommendations see A/HRC/26/3, paras. 128.52, 128.67, 128.95, 128.105, 128.150
[177] JS18, p.3.
[178] JS18, p.5.
[179] IMM, para.7.
[180] DPA, p.5.
[181] JS18, p.7.
[182] DPA, p.5.
[183] For relevant recommendations see A/HRC/26/3, paras. 128.36-128.38, 128.63-128.67, 128.69, 128.73-128.90, 128.95, 128.101, 128.126-128-127, 128.137, 128.143-128.144.
[184] AIMM, para.31.
[185] AirTrust, p.1.
[186] AIMM, p.8.
[187] AIMM, para.13.
[188] WEGC, p.4.
[189] JS10, pp.2-3. See also AIMM, paras. 19-20.
[190] SSIGGNZ, p.5.
[191] For relevant recommendations see A/HRC/26/3, paras. 128.69, 128.101 and 128.146–128.153.
[192] JS17, p.8.
[193] JS16, paras. 48-49.
[194] JS13, para. 49.
[195] NZLS, para. 25.
[196] AI, p.4. See also JS13, para. 52.
[197] JS13, paras. 63-64.